

228 Queen Street (The Ketchum-Thomas-Phillips House -Peace Acres), Town of Niagara-on-the-Lake Cultural Heritage Impact Assessment

for
Van Riesen Hotel Group Inc.
P.O. Box 612, St. Davids, ON



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Heritage & Planning Services

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Executive Summary

Leah Wallace, was retained by Van Riesen Hotel Group Inc. in December 2022 to revise a previously completed cultural heritage impact assessment for the property at 228 Queen Street, Lots 73 – 74, 95 and Part Lot 96 Township Plan 86 Niagara, Being Parts 1, 2 and 3 on 30R-11437 Except 30M-344; S/T Easement Over Part 3 on 30R11492 as in NR65744, Niagara in the Town of Niagara-on-the-Lake. This Cultural Heritage Impact Assessment (CHIA) is produced as a requirement for official plan and zoning amendments and site plan to construct two new hotel buildings and underground parking facilities at 228 Queen Street and on the adjacent two lots at the northeast corner of Queen and Simcoe Streets which are not designated..

A heritage impact assessment is required by the Town to assess the value of the heritage resources on the property at 228 Queen Street which is designated under Part IV of the Ontario Heritage Act as the Ketchum-Thomas-Phillips House, also known as Peaceacres, and to recommend conservation and mitigation for any identified built heritage resources and cultural heritage landscapes.

Two site visits to the subject properties and the surrounding area were conducted in August 2019 and November 2022 and images were taken on each of these site visits, some of which are included in this document. Historical research was completed and a number of documents and publications were also consulted.

The heritage impact assessment includes a discussion of the relevant planning documents related to this property including the Planning Act, the Provincial Policy Statement, the Growth Plan for the Golden Horseshoe, the Ontario Heritage Act as amended, the Regional Official Plan and the Town of Niagara-on-the-Lake planning documents as well as recent amendments to a number of these documents resulting from the passing of Bill 23.

The document includes a description of the proposed development based on plans and drawings provided by the applicant; a historical description of the development of Niagara; the Town of Niagara-on-the-Lake, specifically the area known as Old Town, and the subject property.

The property is designated under Part IV of the Ontario Heritage Act as the Ketchum-Thomas-Phillips House. Because it was designated in 2005, before Regulation 9/06 was in effect and before amendments to that regulation, an analysis was undertaken under the new Regulation, 569/22. The analysis determined that the property met two of the criteria for designation. It has both associative and contextual value. A revised Statement of Significance that accords with the Regulation is included.

The impacts of the proposal on the subject property and nearby designated and listed properties were analyzed using the *Standards and Guidelines for the Conservation of Historic Places in Canada* and the Ministry of Ministry of Citizenship and Multiculturalism *Infosheet #5*. The analysis

concluded there would be impacts and recommended mitigation and conservation to mitigate these impacts. The positive and negative impacts of three different development approaches were also analysed.

Recommended mitigation and conservation methods are:

1. An archaeological survey is required for all the properties subject of the planning application to ensure that any archaeological resources are properly identified and appropriate mitigation is completed as required. An archaeological survey was completed for the subdivision. However, if during excavation, deeply buried archaeological resources are uncovered, all construction will cease until an archaeological assessment is completed and resources on the site are either removed or protected.
2. Heritage Permits and the approval of Council are required for construction of the new hotel additions and underground parking that are located on the designated property and for relocation of the stone well. The building plans and site plan must be reviewed by planning and building staff at site plan stage when detailed designs are provided. The municipal heritage committee will also review the drawings, the site plan, and the landscape plan to ensure compatibility with the existing structures on the property and the streetscape and area character and as a condition of the heritage permit approval.
3. Excavation on the site to accommodate a new building and underground parking will result in considerable disturbance on the property at 228 Queen Street. A Temporary Protection Plan will be developed in concert with members of the construction team, the project management team, a structural engineer with a background in heritage conservation, a heritage conservation architect, a heritage consultant, and Town of Niagara-on-the-Lake staff to ensure that excavation and other construction work does not impact the significant built heritage and cultural landscape resources. An example of a Temporary Protection Plan is attached and development of the site will not be undertaken until such time as the Temporary Protection Plan is completed and all parties have agreed to the process. **(APPENDIX VIII).**
4. A Conservation Strategy will be developed. As with the Temporary Protection Plan, it will be developed in concert with the project management team, a structural engineer with a background in heritage conservation, a heritage conservation architect, a heritage consultant and Town of Niagara-on-the-Lake staff and will be available for consideration at the time that the heritage permit application is submitted. The strategy will be specific to the existing heritage attributes and cultural heritage resources on the property and will include:
 - Documentation of both the interior and exterior features and character-defining elements of the building.
 - Assessment of the structural integrity of the existing structures on the site.
 - Balancing conservation of the character-defining elements with utility upgrades including plumbing, sprinkler systems and HVAC
 - Developing a plan and design for universal accessibility that has minimal impact on the buildings' heritage attributes

- Working with the chief building official to ensure that the Building Code requirements are met with minimal impact on the character-defining elements of the building
 - Working with a qualified arborist to ensure the health and retention of the specimen trees and other picturesque landscape features.
 - Developing an ongoing maintenance program in order to avoid extensive repair or rehabilitation costs later
 - When considering new landscape design incorporating site planning and landscape design that respects the overall character of the site and the street.
 - Considering development of an interpretive plan for the property including documentation and signage for the site.
5. A commemoration plan should be developed that commemorates both the history and ownership of the property and the development of the Queen Street Summer Homes Character Area.
 6. No board on board fencing should be installed on the site fronting Queen or Simcoe Streets. The existing metal fence should be retained.
 7. The design and layout of the entrance from Queen Street with its central circular feature must be maintained.
 8. Every effort should be made to conserve and enhance views and vistas to and from the property to conserve the character defining elements of the area.
 9. Currently the hotel addition at the corner of Queen and Simcoe Streets, as designed and located, dominates the northeast corner of the property, blocking views and vistas to and from the street, particularly views from the east to west along Queen Street. The building is a large, rectangular structure, though extensive use of glass and the proposed location of the building at a distance from the existing house lessens visual and physical impacts. A glassed structure on the fourth floor which houses the restaurant is set back behind the façade which reduces the appearance of height when compared to the existing house. Additional design decisions could be considered to ensure that the new building is compatible with the existing house.
 10. Every effort should be made to conserve views and vistas on Queen and Simcoe Streets.
 11. All mechanicals must be screened from the street.
 12. The landscape design should enhance the existing picturesque landscape and should provide for the conservation and protection of existing healthy specimen trees if possible. An enhanced landscape plan is provided with this document. Additional trees have been added to the west of the new hotel building located at Queen and Simcoe Streets to further screen and mitigate views of the structure. A Tree Protection Plan has been developed. Where new vegetation is required, species complimentary to existing and historical vegetation types should be planted.
 13. The existing house exhibits many Neo-classical details which were added by summer residents. Architectural details on the new hotel building should be minimized and simplified in order to ensure that, as much as possible, the architectural details of the

Ketchum-Thomas-Phillips House retain their distinct character and the hotel additions are designed to be clearly distinguishable from the original house and greenhouse.

14. The designation by-law (3983-05) should be amended to reflect the Statement of Significance appended to this report. The heritage attributes associated with the by-law remain the same with the exception of the interior staircase.

Because major excavations are anticipated to accommodate an underground parking garage, a detailed Temporary Protection plan is required as well as other monitoring procedures.

This summary is an outline only. For complete information, analysis and conclusions the reader should examine the full report.

Introduction

This Cultural Heritage Impact Assessment is produced as a requirement for a proposed planning application and site plan agreement to permit additional hotel suites in a new building and underground parking for additional cars at 228 Queen Street (Lots 73 – 74, 95 and Part Lot 96 Township Plan 86 Niagara, Being Parts 1, 2 and 3 on 30R-11437 Except 30M-344; S/T Easement Over Part 3 on 30R11492 as in NR65744, Niagara) in the Town of Niagara-on-the-Lake and on two (2) properties that are currently in a plan of subdivision and are not designated under the Ontario Heritage Act (OHA). The assessment provides historical background for both the Town and the subject property, identifies significant heritage resources and cultural heritage landscapes on and adjacent to the property, and analyses the impact of the proposed development on these protected and identified heritage resources and its impact on cultural heritage landscape features and resources on these properties. A Regulation 569/22 analysis and a draft Statement of Significance for 228 Queen are included in this report because 228 Queen Street was designated under Part IV of the OHA in 2005 before Regulation 9/06 was in effect and well before the amendments to the OHA under Bill 108 and Bill 23.

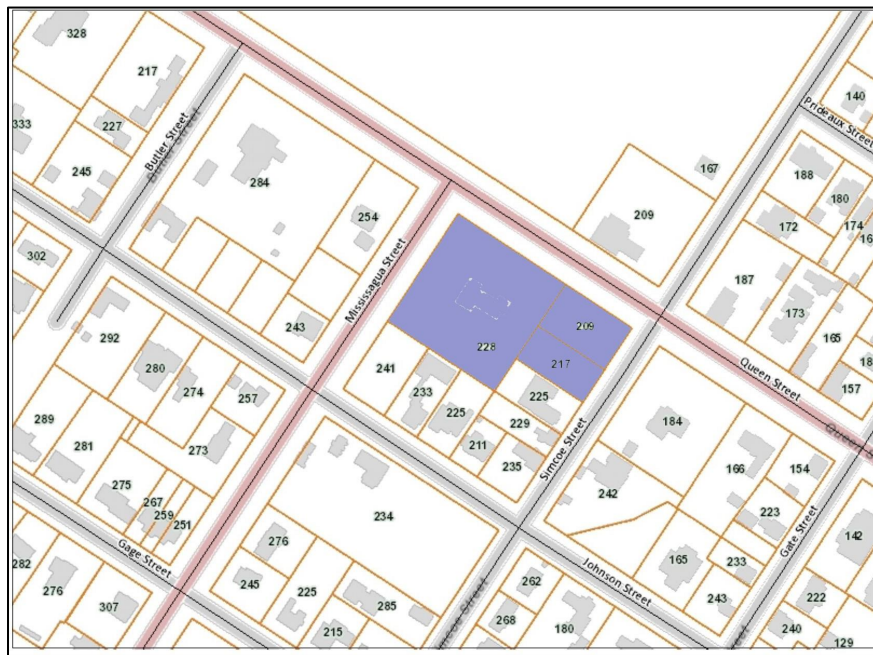


Figure 1: Subject Properties, 228 Queen Street, Niagara Navigator (APPENDIX I)

Subject Lands

The subject property and the two (2) additional lots occupy an entire block that extends from the southeast corner of Queen Street and Mississauga Street to the southeast corner of Queen Street and Simcoe Street. The 228 Queen property, known as Peaceacres, contains a large two-storey

stucco clad house which faces Queen Street. There is also a Victorian greenhouse and wooden potting shed on the east side of the property attached to the house via an enclosed glass walkway, a large carriage house of recent construction with an apartment above on the west side of the property facing Mississagua Street, and a pool pavilion on the south side of the lot behind the house. The house has been vacant and under renovation for some time. Until 2019 the carriage house apartment was occupied (**Fig. 1**).

Surrounding Land Uses and Heritage Properties

The surrounding land uses are predominantly residential with some commercial and recreational/open space uses. To the west on the south side of Queen Street, the area is predominantly devoted to large residential properties containing large homes formerly known as Estate Lots. On the north side of the road is the Niagara-on-the-Lake golf course which is owned by Parks Canada and leased to the golf club. To the east of the golf course is the Charles Inn, a commercial inn that was formerly a large house with accommodation and dining facilities. On the north side of Queen Street, east of Simcoe Street are a series of large residences situated close to the sidewalk edge. On the south side are a number of larger houses on large lots. The properties on Simcoe Street are a residential mix of new and older homes of varying styles. The properties on the north side of Johnson Street are residential with newly built dwellings. The south side of Johnson Street is occupied by a single property of considerable cultural heritage value known as the Clench House.

There are seven (7) properties designated under Part IV of the OHA both adjacent and in close proximity to the subject property (**Fig. 2**) (**APPENDIX III**). These include:

1. 209 Queen Street (Charles Inn – Richardson-Kiely House)
2. 187 Queen Street (Crysler-Burroughs House)
3. 175 Queen Street (Cottage Hospital)
4. 165 Queen Street (McDougal-Harrison House)
5. 157 Queen Street (Rogers-Blake-Harrison House)
6. 229 Simcoe Street (Fagan-Garrett-Hummel House)
7. 235 Simcoe Street (Morley-Gallagher House)



Figure 2: Subject Property and Nearby Designated Properties, Niagara Navigator (APPENDIX I)

While they are not designated under Part IV of the OHA, the properties at 154, 184, 164, and 284 Queen Street and the properties at 180, 234 and 292 Johnson Street are included on the Town's *Municipal Register of Properties of Cultural Heritage Value and Interest* and are subject to limited demolition control (**Fig. 3**). They are considered to be important contributors to the streetscape and to have a level of cultural heritage value or interest which may make them eligible for designation.



Figure 3: Subject Property and Nearby Listed Properties, Niagara Navigator (APPENDIX I)

Description of Proposed Development and Site Alteration (APPENDIX II)

The proposal is to construct a new building in the northeast corner of Queen and Simcoe Streets. This portion of the proposed development is located on the two (2) existing subdivision lots and accommodates an additional 48 hotel rooms on three floors and a penthouse restaurant and kitchen on the fourth floor. These two lots are currently part of an existing subdivision and are not designated under Part IV of the OHA. This structure will be attached to the greenhouse via an enclosed glass walkway similar to the one that attaches the greenhouse to Peaceacres. A new three storey addition will fill the space currently occupied by the pool house at the rear or south side of the property. This will accommodate an additional twenty-four rooms on three floors. Three suites will be located on the second floor of the existing coach house and six suites will be accommodated on the second floor of the heritage house for a total of 81 hotel rooms. Underground parking on three levels is provided for 149 cars and is located under the new hotel building. It extends beyond the building footprint towards Queen Street. A limited amount of surface layby parking will be accommodated in front of the existing dwelling. The main entrance to the hotel complex is via an existing centrally located entrance from Queen Street. This entrance also provides access to the underground parking area. There are two service entrances, one on Simcoe Street and one on Mississagua Street to the north of the existing entrance to the coach house courtyard. **(Figs..4 – 12).**

The lower level of the existing house will accommodate spa facilities. A reception/lobby area, lounge with a small dining facility and multi-use spaces will occupy the ground floor. The kitchen for these facilities will be housed in the coach house and accessed via service link. The existing greenhouse will be linked to the new hotel building and the existing house and will provide additional dining space. **(APPENDIX II)**

The two proposed hotel buildings exhibit different stylistic details. The building to the rear on the south side of the property is three storeys and approximately 10m (32ft. 8in.) in height and has been designed to match the exterior finishes of the existing coach house. It has a stone base and smooth stucco-like upper floor. The third floor suites are located within the roof which is in a modified Mansard style. The east and south elevations which face Mississagua Street and the rear yards of residential properties on Johnson Street, are punctuated by a series of square windows divided into four panes of clear glass. There are no balconies on these elevations. The north elevation, which faces the interior courtyard, contains a central glass entrance door on the ground floor. Suites have large glass windows divided into panes of varying size and are provided with glass doors which give access to small balconies with decorative metal railings. This building is set back approximately 1.80m (5ft. 11in.) from the rear property line adjacent to the rear property lines of the surrounding houses on Johnson Street.

The new hotel building at the southeast corner of Queen and Simcoe Streets, which is located on the two vacant subdivision lots, is connected to the existing greenhouse and the main house via an enclosed glass walkway. It is 15.17m (49ft. 9 in.) in height to the top of the flat roof of the restaurant on the fourth floor. The north and west elevations of this building are composed almost entirely of expanses of glass with rectangular divided lights. Each of the suites is separated by columns which appear to be in the simple Tuscan style. The ground floor cladding is brick but the colour and type is not provided. The glass-fronted fourth floor restaurant which is set back behind the lower façade and rear elevation, is separated from the lower floors by a plain frieze board and simple cornice in keeping with the Tuscan order. Metal railings with cross patterning continue along the balconies facing Queen Street though there are no balconies on the east and west elevations. The south elevation, which faces Johnson Street, is similar to the north facing elevation. The building is set back 9.68m (31ft. 9in.) from Queen Street. The setback from Simcoe Street varies from 7.06m (23ft. 1in.) at the north end to 4.02m (15ft. 2in.) at the south end.

A series of renderings illustrate that appearance of the new buildings when viewed from Queen Street and Mississauga Street (**Figs. 13 – 20**). Views are premised on the retention or replanting of street trees and of enhanced tree planting within the property to assist in screening the new building located at Queen and Simcoe Streets from Mississauga Street in order to maintain the landscape character of the property (**APPENDIX II & III**).

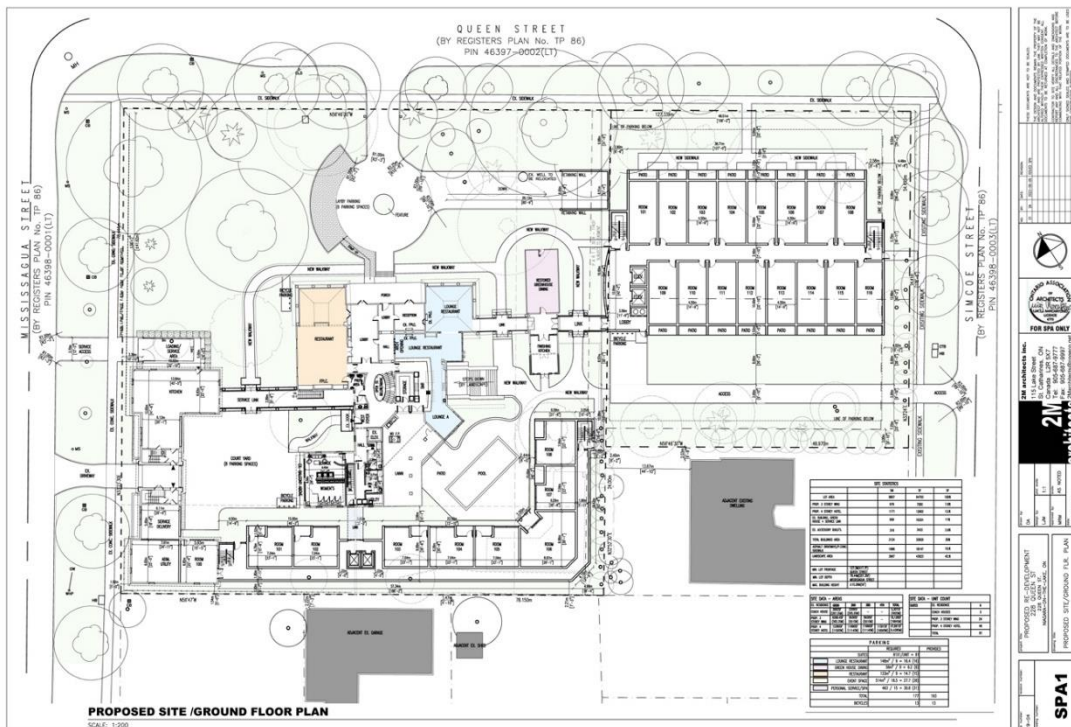


Figure 4: Sight Plan, 2M Architects (APPENDIX II)

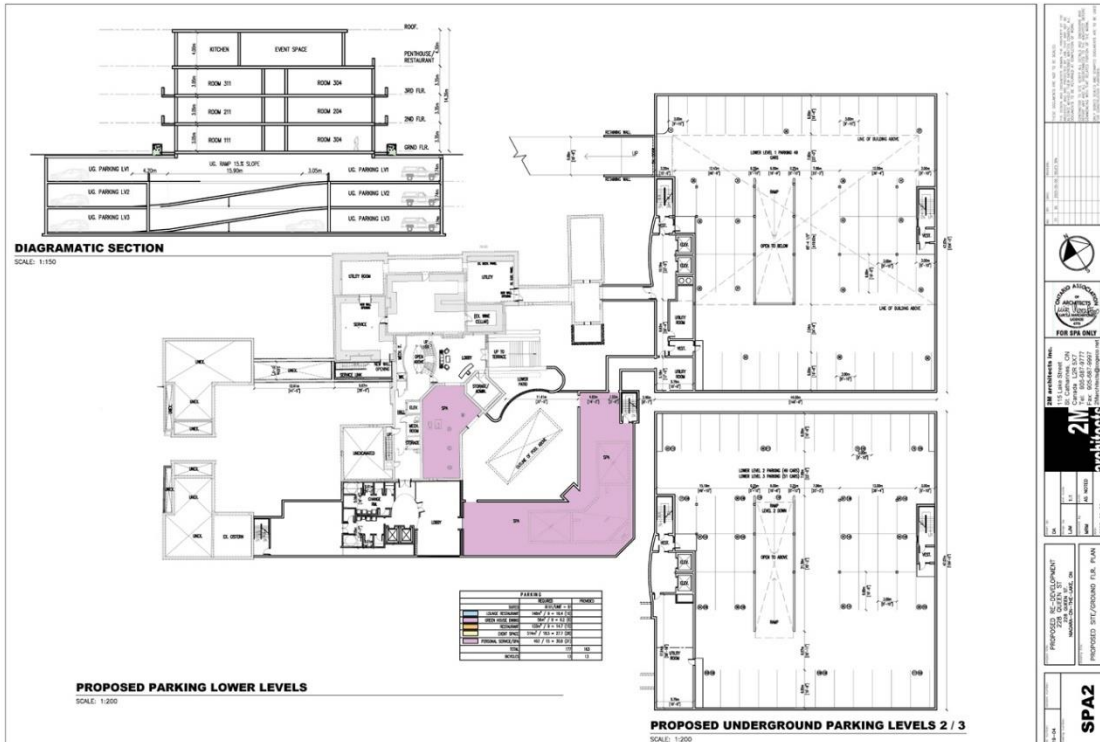


Figure 5: Sight Plan, Underground Parking and Spa Level, 2M Architects (APPENDIX II)

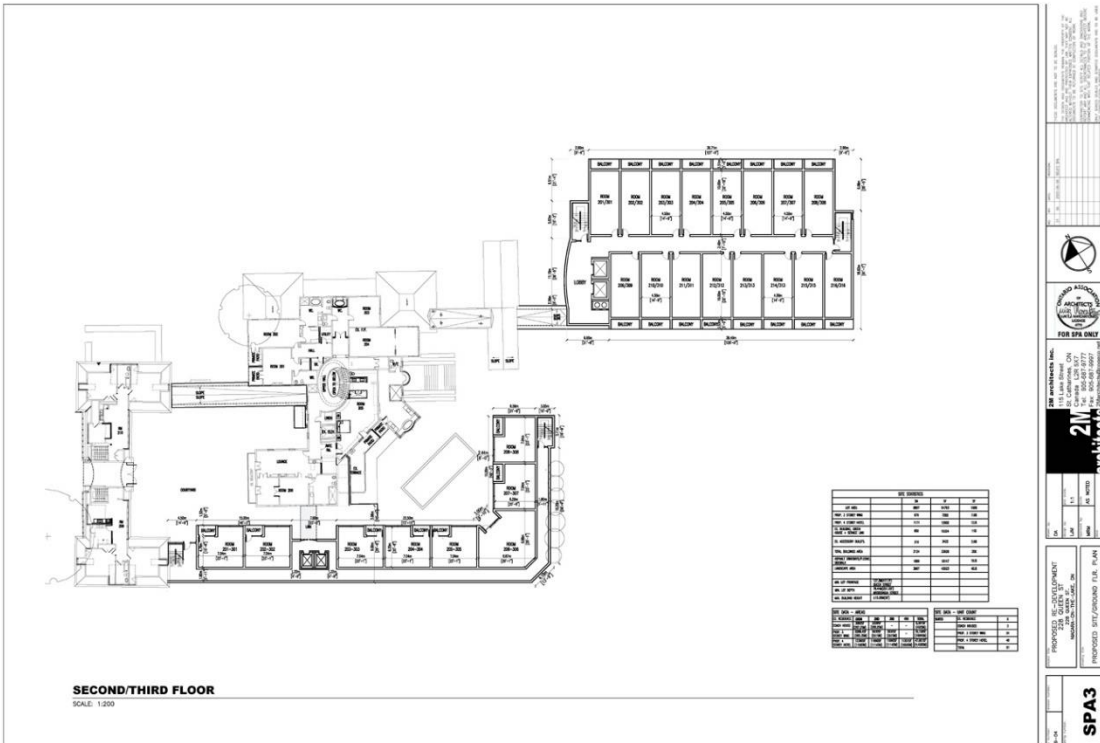


Figure 6: Site Plan, Second/Third Floor, 2M Architects (APPENDIX II)

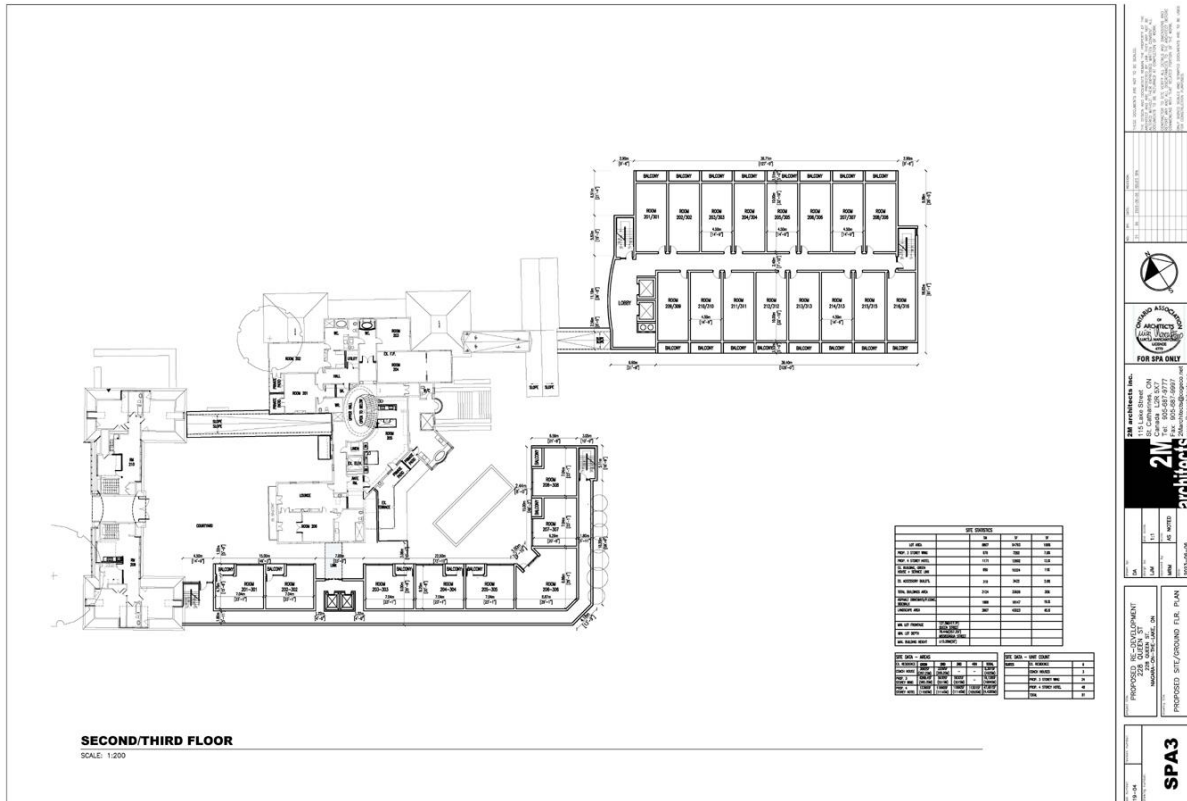


Figure 7: Site Plan, Second/Third Floor, 2M Architects (APPENDIX II)

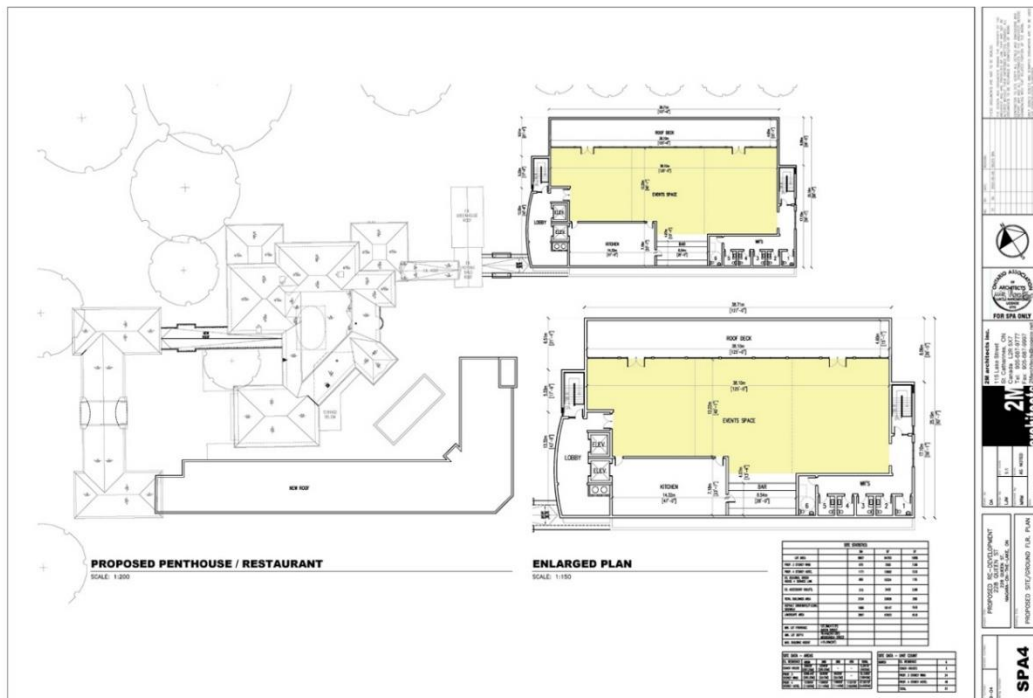


Figure 8: Proposed Penthouse/Restaurant, 2M Architects (APPENDIX II)



Figure 9: North Elevation, New Hotel Building, Viewed from Courtyard and West Elevation Viewed from Mississauga Street, 2M Architects (APPENDIX II)



Figure 10: South Elevation Facing Johnson Street at Simcoe Street & East Elevation View from Simcoe Street, 2M Architects (APPENDIX II)

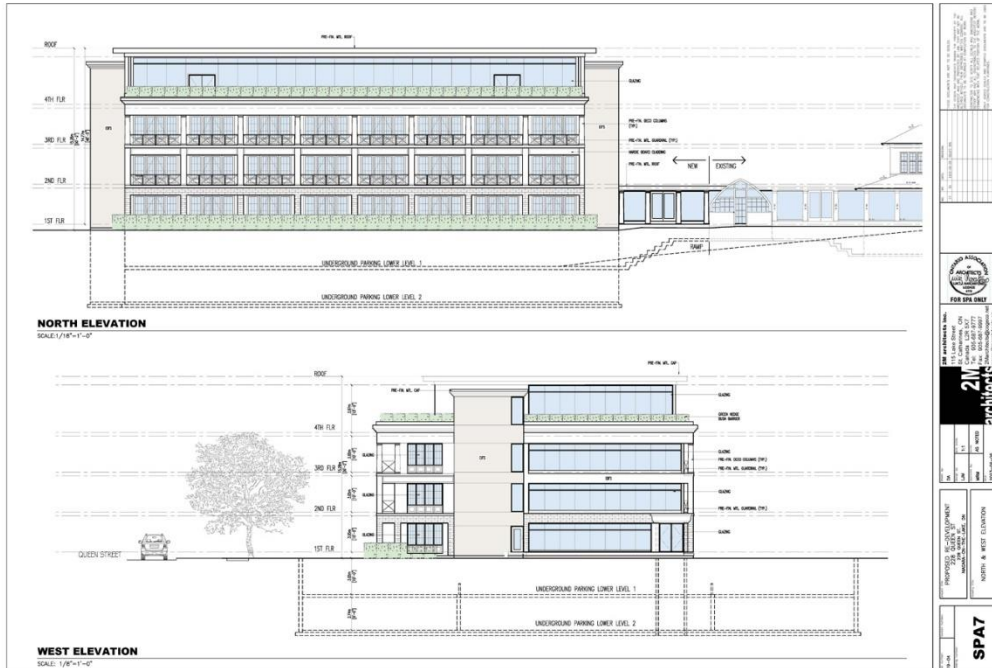


Figure 11: North Elevation of New Building Viewed from Queen Street with Walkway to Existing Greenhouse and West Elevation Looking East from Mississauga Street Direction, 2M Architects (APPENDIX II)

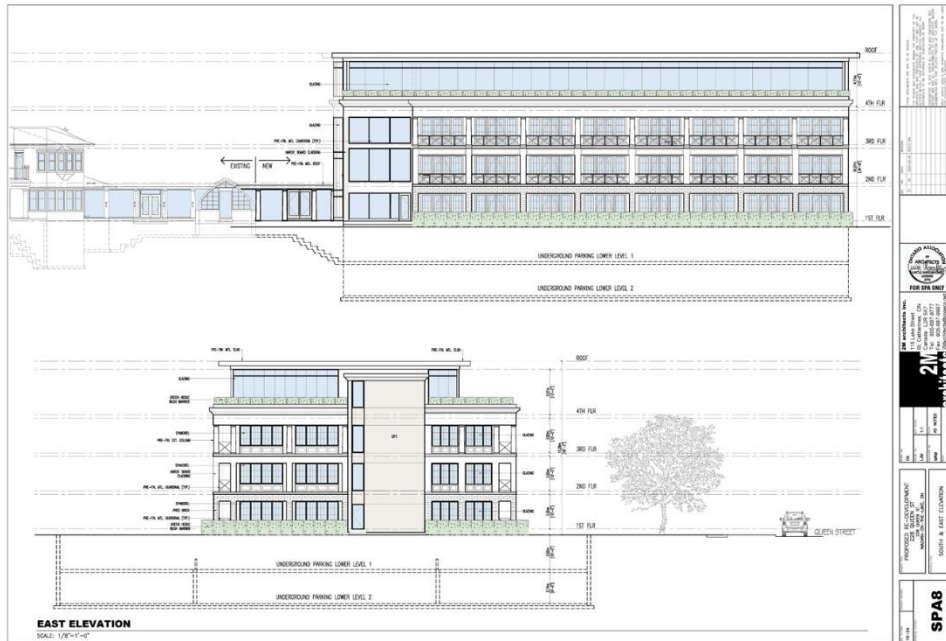


Figure 12: North Elevation of New Building from Johnson Street Direction and East Elevation from Simcoe Street at Queen Street, 2M Architects (APPENDIX II)



Figure 13: Peaceacres Looking Southeast from North Side of Queen Street, DH Architectural Visualisation (APPENDIX II)



Figure 14: Peaceacres & New Hotel Building Looking South from North Side of Queen Street, DH Architectural Visualisation (APPENDIX II)



Figure 15: Peaceacres with New Hotel Building Looking Southeast from North Side of Queen Street, DH Architectural Visualisation (APPENDIX II)



Figure 16: Peaceacres with New Hotel in Distance Looking East from the Southwest Corner of Mississauga & Queen Streets, DH Architectural Visualization (APPENDIX II)



Figure 17: Peaceacres Looking East from the West Side of Mississagua Street, Newer Coach House in Foreground, DH Architectural Visualisation (APPENDIX II)



Figure 18: Queen Street Looking West, 187 Queen & Charles Inn on the Right, New Hotel Building on Left DH Architectural Visualisation (APPENDIX II)



Figure 19: Queen Street Looking West, 187 Queen & the Charles Inn on the Right, New Hotel Building on the Left, DH Architectural Visualisation (APPENDIX II)



Figure 20: Queen Street Looking West, 187 Queen & Charles Inn on the Right, New Hotel Building on the Left, DH Architectural Visualisation (APPENDIX II)

A preliminary landscape plan, a tree protection plan and a shadow study have been completed for the property. These are attached as Appendices III, IV, and V.

The landscape plan is preliminary and includes enhanced tree planting west of the new four storey hotel addition (**Fig. 21**) (**APPENDIX III**). It indicates locations for ornamental trees, hedges and grasses as well as the location of existing mature trees on the property. Discussions of which mature trees will be preserved and those that will be removed are found in the tree protection plan (**APPENDIX IV**).

The Tree Protection Plan includes a graphic map of trees on the property and a list of trees to be preserved and those to be removed (**Fig. 22**). Approximately forty-two trees, including species such as European Hornbeam, Gingko, Little Leaf Linden, Norway and Silver Maple, Sugar Maple, London Plane, Saucer Magnoli, False Cypress, Columnar Beech, and Norway and Blue Spruce will be preserved. Approximately fifty-four trees or varying species will be removed for various reasons.

The Shadow Study consists of a number of drawings indicating shadows at various times of the day on the 21st day of March, September, June and December. Impacts on the subject property and surround properties are analysed (**APPENDIX V**). Generally, shadows on December 21st in the late afternoon impact the Charles Inn which is across Queen Street and is designated under Part IV of the OHA. There are shadow impacts on the property at 184 Queen Street on June 21st in the early evening. This house is listed on the Town's Register but is not designated. On the 21st of March and September there are shadow impacts in the early morning on the greenhouse and the main house on the subject property.





Figure 21: Landscape Plan, 2023, APPENDIX III

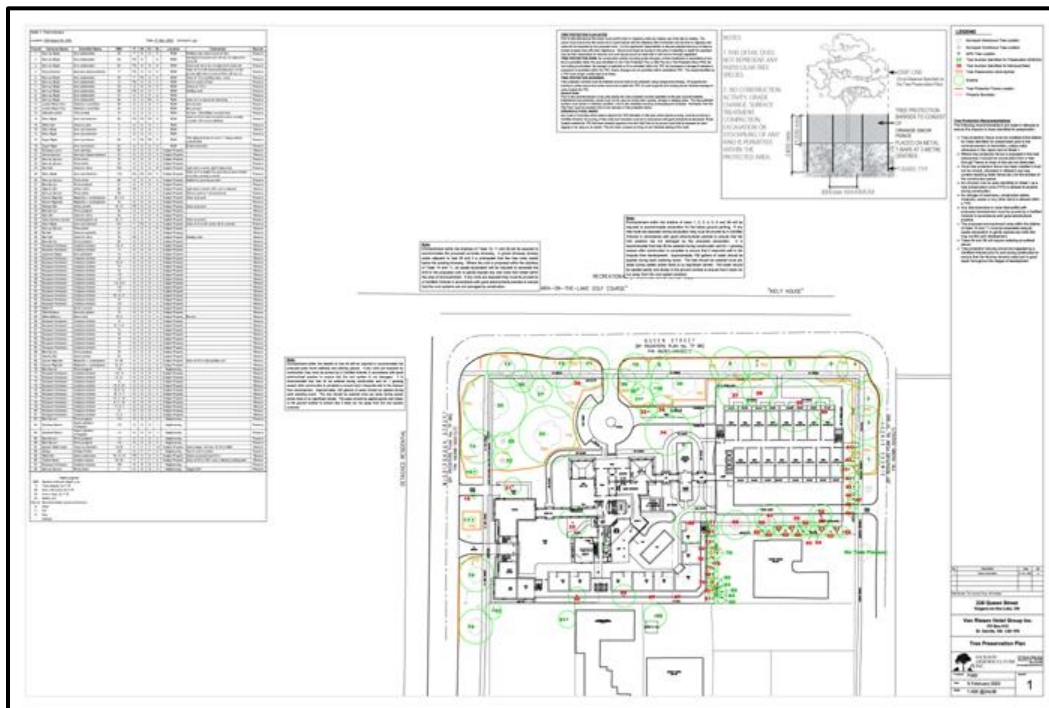


Figure 22: Tree Protection Plan Diagram, APPENDIX IV

Existing Planning and Heritage Policy Context

The Planning Act

The amendments to the Planning Act came into force on November 28, 2022 under Bill 23. The changes to the Act were considerable and far-reaching.

However, Part 1 of the Planning Act, which includes a list of matters of provincial interest, did not change specifically as it relates to heritage conservation and built form.

Section 2(d) states that the Minister, the council of a municipality and the Ontario Municipal Board, in carrying out their responsibilities shall have regard to:

- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

Section 2(r), provides for the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Policy Statement (PPS) 2020

A new Provincial Policy Statement came into force on May 1, 2020. While the Province is currently preparing a new Provincial Policy Statement, which incorporates policies in the Growth Plan for the Greater Golden Horseshoe, currently the following cultural heritage policies are relevant and in effect.

Section 2.6 of the PPS, Cultural Heritage and Archaeology, contains the following policies for both built heritage resources and cultural heritage landscapes.

Policy 2.6.1: **Significant built heritage resources** and **significant cultural landscapes** shall be conserved.

Policy 2.6.2: **Development** and **site alteration** shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

Policy 2.6.3: Planning authorities shall not permit **development** and **site alteration** on **adjacent lands to protected heritage property** except where the proposed *development* and *site alteration* is evaluated and it has been demonstrated that the **heritage attributes** of the **protected heritage property** will be *conserved*.

Policy 2.6.4: Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and **archaeological resources**.

The PPS provides the following definitions which assist in understanding and applying these cultural heritage and archaeology policies.

Significant means in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the province under the authority of the OHA.

Criteria for determining significance are recommended by the province, but municipal approaches that achieve or exceed the same objective may also be used.

Built heritage resource means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act (OHA), or that may be included on local, provincial, federal and/or international registers.

Cultural heritage landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the OHA or have been included on federal and/or international registers, and protected through official plan, zoning by-law, or other land use planning mechanisms.

Protected heritage property means a property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the OHA; property identified by the province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Adjacent lands mean those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Conserved means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning

authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Development means creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

Site alteration means activities such as grading, excavations and placement of fill that would change the landform and natural vegetative characteristics of a site.

Heritage attributes means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest and may include the property's built, constructed, or manufactured elements as well as natural landforms, vegetation, water features and visual setting (e.g., significant views or vistas to or from a protected heritage property).

Archaeological resources include artifacts and archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of these resources are based on archaeological fieldwork undertaken in accordance with the OHA.

Significant cultural landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts, villages, parks, gardens, battlefields, main streets, neighbourhoods, cemeteries, trailways, view sheds, natural areas and industrial complexes.

Protected heritage property means a property designated under Parts IV, V or VI of the Ontario Heritage Act.

Adjacent means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Development means creation of a new lot, a change in land use, or the construction of buildings and structures requiring Planning Act approval.

Site alteration means activities such as grading, excavations and placement of fill.

Heritage attributes means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest. These may include the property's built elements as well as natural landforms, vegetation, water features and visual setting including views or vistas to or from a protected heritage property.

Archaeological resources include artifacts and archaeological sites as defined under the Ontario Heritage Act. Identification and evaluation of these resources are based on archaeological fieldwork undertaken in accordance with that Act.

The subject property is not designated under Part IV of the OHA; but it is listed on the Register. There are two properties located nearby that are designated under Part IV of the OHA. There are 13 other properties along Main Street that are listed on the Register though they are not designated.

The subject property at 228 Queen Street is designated under Part IV of the Ontario Heritage Act (**APPENDIX VI**) as are the properties at 209 Queen Street, 187 Queen Street, 175 Queen Street, 165 Queen Street, 157 Queen Street, 229 Simcoe Street, and 235 Simcoe Street which are adjacent or close to the subject property.

The properties at properties at 154, 184, 126, and 284 Queen Street and the properties at 180, 234 and 292 Johnson Street are included on the Town's *Municipal Register of Properties of Cultural Heritage Value* and are considered to be of significant cultural heritage value both for the individual built heritage resources on these sites and their cultural heritage landscape value.

In 2018, Bray Heritage completed an *Estate Lots Study* for the Town of Niagara-on-the-Lake. Currently the recommendations in this study do not form part of an approved Official Plan policy. However, the study is important in providing context for properties along Queen Street and in the surrounding neighbourhood and policies based on the study are included in the new draft Official Plan.

The study divides the Old Town into a number of character areas and provides a description, statement of cultural heritage value and list of heritage attributes for each area. The property at 228 Queen Street is included in the "Queen Street Summer Homes Character Area". The statement of cultural heritage value described the area as, "*a cohesive group of large properties that were created as seasonal residences. Their design/physical significance is based upon a consistent development pattern of a large detached main house with a deep setback from Queen Street and generous side and rear yards, in some cases including gardens but also secondary structures. Severances over the years have created new properties along the side streets and along most of the north side of Johnson Street, thus reducing the size of the original summer house lots. Though alterations to the buildings and landscapes have been made over time, most are sympathetic to the heritage character of the properties and have conserved the houses. Historical/associative significance and contextual significance stem from associations with key periods in the history of Old Town and from the larger landscape context to which they contribute.*"¹

Specific heritage attributes associated with these properties include:

DESIGN/PHYSICAL

- *Large houses on large lots*
- *Deep front yard setbacks*

¹Carl Bray, Bray Heritage, *Estate Lot Study, Final Report*, (August 2018), p.30

- *Open lawns, ornamental gardens and mature perimeter plantings*
- *Picket and metal fences*
- *Outbuildings to the rear and side*
- *Predominance of architectural styles having Neo-Classical influences, often with large verandahs or galleries added, and columned front porticos*
- *Many examples of secondary buildings and additions that harmonize with the main house in terms of materials, massing and location*

HISTORICAL/ASSOCIATIVE

- *Associations with former uses and events (War of 1812, military encampments, American summer residents)*

CONTEXTUAL

- *Panoramic views across golf course to Lake Ontario and Niagara River²*

Because of the proximity of significant cultural heritage resources and cultural heritage landscapes and because the subject property is designated under Part IV of the OHA and has been identified in the *Estate Lots Study* as forming part of a significant cultural landscape, a heritage impact assessment is required in accordance with the policies in the PPS. This requirement is affirmed in the Regional and local Official Plan policies.

Growth Plan for the Greater Golden Horseshoe

A new Growth Plan for the Greater Golden Horseshoe came into effect in May 2019. It contains guiding principles including the conservation and promotion of cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.

The GGH contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. The Growth Plan acknowledges that accommodating growth can put pressure on these resources through development and site alteration and recognizes that it is necessary to plan in a way that protects and maximizes the benefits of these resources in order to make communities unique and attractive places to live.

Policy 4.2.7 states that:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

²Carl Bray, Bray Heritage, *Estate Lot Study, Final Report* (August 2018), p.

228 Queen Street, Niagara-on-the-Lake,

June 2023

Leah Wallace, MA RPP MCIP CAHP

3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

The heritage impacts of the proposed development will be assessed in accordance with Growth Plan; relevant policies in the PPS; and the Regional and local official plans.

[Ontario Heritage Act \(OHA\)](#)

Amendments to the *Ontario Heritage Act* and implementation Regulation 385/21 came into force on July 1, 2021, bringing into play amendments made through Bill 108, the *More Homes, More Choices Act*, 2019 (Bill 108). Corresponding updates to the Ontario Heritage Toolkit are also underway. These amendments were intended to improve processes and increase consistency in heritage designation, including providing for appeals to the Ontario Land Tribunal (OLT).

Further and much more far-reaching amendments to the OHA came into force on November 28 2022 with the passing of Bill 23, *The More Homes Built Faster Act*.

1. The OHA Amendments as of July 2021

The key additions and changes to the OHA included:

- Properties newly subject to a notice of intention to designate and applications to repeal a designation or alter a property made on or after July 1, 2021, are now subject to new appeals and binding decisions from the OLT.
- Owners whose properties are newly included in a heritage register will now get notice and may object, and where an objection is made, council must consider the objection in deciding whether to continue to list the property.
- New applications for alteration or demolition are deemed approved if council does not make a decision within specified time periods.
- Municipalities have 90 days to issue a notice of intention to designate a property upon notice of a complete official plan amendment, zoning by-law amendment, or plan of subdivision application, subject to exceptions in the Regulation.
- Designations must occur within 120 days of a notice of intention to designate, subject to exceptions in the Regulation.

Regulation 385/21

The Regulation streamlines Ontario's heritage regulation process. The Regulation includes the following:

- Mandatory standards for designation by-laws
- Prescribed exceptions to the 90-day timeline for issuing a notice of intention to designate.
- Prescribed exceptions to the 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.
- The process of amending or repealing a designation by-law following a consent for demolition has been amended to require notification to property owners if no changes are made to the designation by-law.
- Minimum requirements for complete applications for alteration, demolition or removal, of heritage properties, which include photographs, reasons for the proposal and potential impacts, and all technical cultural heritage studies that are relevant to the proposal.

2. The OHA Amendments Under Bill 23, November 2022

Bill 23, known as the More Homes Built Faster Act is an omnibus bill that resulted in major changes to several pieces of legislation including the Ontario Heritage Act. It passed on November 28, 2022.

Key changes to the OHA include:

- Designation under Part IV of the Act will require that the property meet two criteria for designation under Ontario Regulation 9/06 rather than one.
- Inclusion of a Property on the Register as a Listed property requires that a 9/06 evaluation be completed and the property must meet at least one criteria.
- A property must be listed on the Register before it can be designated.
- Municipalities will not be permitted to issue a notice of intention to designate a property unless the property is already on the register when the current 90 day requirement for applications is triggered.
- A new Regulation 596/22 includes the changes to Regulation 9/06 and also includes criteria for evaluation of heritage conservation districts.
- Municipalities will be required to make an up-to-date version of the information on their municipal register available on a publicly accessible municipal website.
- Property owners are now able to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register regardless of when it was added to the register.
- If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the property must be removed from the municipal register.
- Non-designated properties currently included on a municipal register must be removed if council does not issue a notice of intention to designate (NOID) within two years of the amendments coming into force.

- Properties included on the Register after the Act comes into effect would also be removed after two years if no NOID is issued.
- If properties are removed from the register under any of the above three circumstances, they cannot be relisted for a period of five years.

Standards and Guidelines for Conservation of Historic Places in Canada

The *Standards and Guidelines for the Conservation of Historic Places in Canada* were first published in 2003 and updated in 2010. These standards and guidelines, while they have no legislative authority, are a tool to help users decide how best to conserve historic places, their heritage value and character defining elements. They are used in partnership with statements of the significance of heritage resources, such as designation by-laws. Anyone carrying out an intervention that may impact the heritage values and character defining elements of a heritage resource must be mindful of the impacts on that resource.

The Standards and Guidelines indicate that it is important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.

Planning should consider all factors affecting the future of a historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints. The most effective planning and design approach is an integrated one that combines heritage conservation with other planning and project goals, and engages all partners and stakeholders early in the process and throughout. For historic places, the conservation planning process also needs to be flexible to allow for discoveries and for an increased understanding along the way, such as information gained from archaeological investigations or impact assessments.

Any action or process that results in a physical change to the character-defining elements of a historic place must respect and protect its heritage value. A historic place's heritage value and character-defining elements can be identified through formal recognition, such as designation under the OHA and by nomination to the *Canadian Register of Historic Places*. In assessing a proposed alteration to a designated property or any property of cultural heritage value and interest, the 14 *Standards for the Conservation of Historic Places in Canada* will be addressed. The heritage value and character-defining elements of the property at 209 Queen Street must be conserved when the new hotel addition and underground parking are constructed. Any physical attributes of the property at 209 Queen Street will also be analyzed and assessed for its cultural heritage value and interest and the potential impact of proposed development on these attributes.

Niagara Regional Official Plan

The Niagara Regional Official Plan, Section 10C, contains objectives and policies for the protection of built heritage resources and cultural heritage landscapes and requires a heritage impact assessment where development, site alteration and/or public works projects are proposed on, or adjacent to, a significant built heritage resource or cultural heritage landscape.

Objectives include:

- Supporting the identification and conservation of significant built heritage resources and significant cultural heritage landscapes;
- Recognizing the aesthetic, cultural and economic value of open space and parks;
- Recognizing the importance of quality design; and
- Conserving significant built heritage resources and cultural heritage landscapes within the unique community context of every site.

Policy 10.C.2.1.6 encourages local municipalities to establish cultural heritage landscape policies in their Official Plans and identify significant cultural heritage landscapes for designation in order to conserve groupings of features with heritage attributes that together form a significant type of heritage form, distinctive from that of its constituent elements or parts.

Town of Niagara-on-the-Lake Official Plan

While a new Official Plan was approved by Niagara-on-the-Lake Council in the summer of 2019, the Plan has not been approved by the Region of Niagara.’

The property at 228 Queen Street was the subject of both an Official Plan and a Zoning By-law amendment in 2007 and is designated Established Residential Special Exception. Part 3, Land Use Policies, Section 10, Commercial Exception of the Official Plan for the Town of Niagara was amended by adding the following exception:

- “EX-COM-2 The use of the property is limited to a 24 room hotel including a restaurant, meeting room and spa facilities.”

The preamble of the amendment recognizes that the existing heritage resource had not been utilized for a number of years and the redevelopment of the property ensures the heritage resource is restored and provides a sustainable use for the property. The basis for the amendment goes on to state that “*redevelopment of the property located at one of the main entrances to Queen Street and the Old Town will provide an opportunity to maintain the picturesque landscape to one of the main entrances to Old Town*”.

1. Growth Management Policies

The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.

Intensification and/or redevelopment should be consistent with:

- The existing and/or planned built form and heritage of the property and surrounding neighbourhood;
- The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood; and
- Compatible and integrate with the established character and heritage of the area.
- In circumstances where a proposed development supports the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies will prevail.

2. Heritage Conservation

Section 18 of the Niagara-on-the-Lake Official Plan is devoted to objectives and policies for the conservation of cultural heritage resources in the Town.

Goal and Objective 18(2) encourages good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture and restricts building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a heritage resource.

General heritage policies include:

- encouraging the preservation of buildings and sites having historical and/or architectural values;
- designating and regulating heritage resources under appropriate legislation, including the Ontario Heritage Act, the Planning Act and the Municipal Act ;
- exercising legislative authority to control the alteration or demolition of heritage;
- ensuring through by-laws designating individual buildings or districts under the Ontario Heritage Act that no person shall demolish the whole or any part of the designated property or property in a designated area, or alter or make additional to a designated property or property in a designated area, without first receiving a permit issued by Council;
- On the advice of the Municipal Heritage Committee (MHC), regulating and guiding alterations and additions to heritage resources;
- Requesting comments from the MHC for any development within a heritage district, proposed expansion area or where it is believed that a development may impact heritage resources.
- Requiring an archaeological survey as a result of a planning application. This policy can also be found in Section 6, General Development Policies.

New Official Plan Policies – Adopted 2019- Not in Force

Although the new official plan is not yet in force it contains policies that the Town of Niagara-on-the-Lake recommends should be considered when assessing the proposed hotel additions.

Section 7.1.3.2 of the new adopted official plan includes policies and procedures for the protection of heritage resources. In order to protect heritage resources, particularly existing cultural heritage resources and those adjacent to those resources.. These include:

- Listing and/or designating real property under Part IV (Section 27 and/or 29) of the Ontario Heritage Act; designating a heritage conservation district under Part V of the Ontario Heritage Act, and/or encouraging the Province to designate real property under Part IV and/or VI of the Ontario Heritage Act.
- Using secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit bylaw, the sign by-law and other municipal controls, to ensure that development on and/or within cultural heritage resources or adjacent to cultural heritage resources is designed, sited or regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource. This includes but is not limited to impacts such as:
 - scale, massing, height, building orientation, materials and location relative to the cultural heritage resource; destruction of any part of any significant heritage attribute or features;
 - alteration that is not sympathetic or is incompatible with the historic fabric and appearance; shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
 - isolation of a heritage attribute from its surrounding environment, context, or a significant relationship;
 - direct or indirect obstruction of significant views or vistas within or from built and natural features; a change in land use such as allowing new development or site alteration to fill in the formerly open spaces; and
 - land disturbances such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.
- Impose conditions of approval where cultural heritage resources are to be affected to ensure the continued protection of the resource.
- Require preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or development involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.
- Require provision of a heritage conservation easement, pursuant to the Ontario Heritage Act, as a condition of certain development approvals or as a condition of financial assistance for the purpose of conservation, restoration and maintenance of the heritage attributes of the property in perpetuity; prevention of demolition, construction and

alterations which would adversely affect the heritage attributes of the property; and establishment of criteria for approval of any development affecting the property.

- Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.
- Require where development or site alteration is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such development or site alteration must be evaluated against any identified heritage values or heritage attributes.
- Review applications for development and site alteration on lands containing and adjacent to cultural heritage resources and require mitigative measures and/or alternative development approaches to conserve the heritage attributes impacted by the development. A Heritage Impact Assessment and/or an Archaeological Assessment may be required to demonstrate that the cultural heritage resources will be conserved. Development of lands adjacent to protected heritage properties shall be required to demonstrate that the heritage attributes of the adjacent protected heritage property are conserved through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses. J

Section 7.2.3.1 of the official plan identifies Heritage Character Areas as Cultural Heritage Landscapes and identifies the Queen Street Summer Homes Heritage Character Area. The subject property at 228 Queen Street is located in this character area.

Section 7.2.3.4 requires a Heritage Impact Assessment for any site alteration, development, or demolition proposed within any of these areas, Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.

7.2.3.7 Queen Street Summer Homes Character Area includes a Statement of Cultural Heritage Value or interest.

The Queen Street Summer Homes character area is a cohesive group of large properties that were created as seasonal residences. Their design/physical significance is based upon a consistent development pattern of a large detached main house with a deep setback from Queen Street and generous side and rear yards, in some cases including gardens but also secondary structures. Severances over the years have created new properties along the side streets and along most of the north side of Johnson Street, thus reducing the size of the original summer house lots. Though alterations to the buildings and landscapes have been made over time, most are sympathetic to the heritage character of the properties and have conserved the houses. Historical/associative significance and contextual significance stem from associations with key periods in the history of Old Town and from the larger landscape context to which they contribute.

Heritage Attributes of this area include:

- Large houses on large lots
- Deep front yard setbacks
- Open lawns, ornamental gardens and mature perimeter plantings
- Picket and metal fences
- Outbuildings to the rear and side
- Predominance of architectural styles having Neoclassical influences, often with large verandahs or galleries added, and columned front porticos.
- Many examples of secondary buildings and additions that harmonize with the main house in terms of materials, massing and location.
- Associations with former uses and events (War of 1812, military encampments, American summer residents)

In addition to other policies of the Official Plan, the following policies will also apply to the Queen Street Summer Homes Heritage Character Area.

- (i) The Town may request, as part of any site alteration or development, a commemoration plan;
- (ii) Any proposed site alteration or development must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;
- (iii) Any new development or site alteration must be sympathetic, ensure the conservation of the area's heritage values & attributes, and not be taller than any surrounding structures on the same block;
- (iv) The Town will review the area for its potential as a Heritage Conservation District;
- (v) The Town will encourage and require replanting along Queen Street to ensure the maintenance and enhancement of the existing Street Tree canopy. A tree plan should be developed for this area;
- (vi) The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the golf course and Fort Mississauga); and
- (vii) The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.

Town of Niagara-on-the-Lake Zoning By-law No. 4316-09

In 2007 the property at 228 Queen Street was the subject of an amendment to Zoning By-law 50A-74 to General Commercial (C1) – Site Specific Zone to permit a 24 room hotel with a restaurant, meeting room and spa facilities. Special provisions applying to the site specific zone include:

- Maximum lot coverage of 13%;
- Maximum building height of 10.66m (35ft.) to the peak;

- Minimum landscaped area of 65%;
- Minimum number of required parking spaces – 52;
- Maximum number of hotel rooms – 24;

In addition, the maximum square metres for each function (restaurant/lounge, spa area, administration area) were delineated and minimum setbacks, as shown on the schedule attached to the by-law are required. One loading space is also required.

In 2012 there was an additional amendment to the zoning on the property. Zoning By-law No.4316X-12 permitted a single detached dwelling provided the 24 room hotel with restaurant, meeting room and spa facilities does not exist on the site and also provided for a temporary use in the form of a Garden Suite to be located in the carriage house for a period of 10 years.

Heritage Impact Analysis

Historical Research and Site Analysis

1. Early Indigenous History of Niagara³

The earliest archaeological evidence of human settlement in southern Ontario is about 11,000 years old and occurred just after the Wisconsin glacier retreated. These early people were nomadic. They hunted big game such as mastodon and mammoth. Between approximately 8000 and 1000 BCE the inhabitants began to coalesce into larger groups with smaller territories. They used polished stone tools, indicating an advance in tool-making technology. Artifacts found at their campsites provides evidence that they engaged in long-distance trade with other peoples.

About 1000 BCE, at the commencement of the Woodland period, there was a change in subsistence patterns, burial customs and tool technology. Pottery making was also introduced during this period. The indigenous residents transitioned from foraging and hunting to cultivating maize and other crops such as squash, maize and beans. They also began to gather in villages consisting of long houses surrounded by palisades. In the 1500's the Iroquoian communities began to organize themselves into tribal confederacies. One such confederacy, located south of Lake Ontario was the Haudenosaunee Confederacy comprised of Mohawks, Oneidas, Onondagas, Cayugas and Senecas.

2. The Seventeenth and Eighteenth Centuries

Explorers and missionaries arrived in southern Ontario in the first half of the 17th century. The diseases they brought with them resulted in the collapse of the three southern Ontario Iroquoian confederacies, the Huron, Petun and Attiwandaron. The movement of the Haudenosaunee Confederacy into southern Ontario and the wars they waged on these groups further contributed to their collapse.

The Haudenosaunee began to threaten communities further from Lake Ontario including the Anishinaabe. The Anishinaabe allied with the Odawa and Potawatomi in the late 17th century and began a series of offensive attacks on the Haudenosaunee forcing them back to the area south of Lake Ontario. Oral tradition has given the Mississauga an important role in the attacks on the Haudenosaunee resulting in a large group of Mississauga establishing themselves in the area between Toronto and Lake Erie in the area the Neutrals called "Oniguiahara", now known as Niagara. This land is part of the Upper Canada Treaties known as the Upper Canada Land

³ Haudenosaunee Confederacy, Who We Are,
<https://www.haudenosauneeconfederacy.com/who-we-are>

Surrenders made between 1764 and 1862⁴. These were a series of agreements made between Indigenous peoples and the Crown. The agreements were made during the late 18th century and into the 19th century before Confederation and the creation of the province of Ontario. The agreements surrendered Indigenous lands to the colonial government for a variety of purposes, including settlement and development. The Upper Canada Land Surrenders cover much of what is now southwestern Ontario. The first of these, in 1764, was an oral treaty or land surrender negotiated with the Senecas by Sir William Johnson resulting in the ceding of a four mile strip of land along the east side of the Niagara River from the mouth at Lake Ontario to the Niagara Escarpment. It also included a strategic portage and corresponding two mile strip on the west bank of the river.⁵ The Haudenosaunee began to threaten communities further from Lake Ontario including the Anishinaabe.

The Treaty of Niagara extended the Silver Covenant Chain of Friendship into the heart of the continent. Many see this Treaty as the true founding of what we now call Canada. At the heart of this Treaty is a relationship with the sovereign grounded in ties of kinship and disagreement without disrespect.⁶ Early agreements such as this were often about maintaining alliances with Indigenous peoples. Subsequent treaties, including those after the American Revolution (1775—83) and War of 1812, were increasingly about surrendering lands for settlement, as supporters of the British came to Upper Canada looking for a new home. In many of these treaties, Indigenous peoples received cash payments (either one-time or annual, depending on the agreement), reserves and other goods in return for the surrender of their traditional lands.⁷ Today there is much discussion with respect to the concept of “surrender” as opposed to the concept of “sharing” of these traditional lands.

3. History of Old Town

a. Early History

Etienne Brule was probably the first European to visit the area in 1615. Other French explorers used the Aboriginal portage around Niagara Falls for trade with the west. Beginning with LaSalle in 1679, the French constructed several buildings on the American side of the river to serve as links in the lucrative fur trade. One of these was Fort Niagara, across the river from Niagara-on-the-Lake.

⁴ Donna Duris, “Mississauga’s Treaty at Niagara (1781), “Treaty Lands and Territory Mississaugas of the Credit, May 28, 2017, <http://mncfn.ca/misissauga-cession-at-miagara-1781>.

⁵ Richard D. Merritt, *On Common Ground, The Ongoing Story of the Commons in Niagara-on-the-Lake*, Dundurn, 2012, p.22.

⁶ Philip Cote and Nathan Tidridge, “Ties of Kinship”, *Treaties and the Treaty Relationship, Canadian History*, Canada’s History Society, 2018, p,23-24

⁷ Upper Canada Land Surrenders, The Canadian Encyclopedia, October 16, 2020, <https://www.thecanadianencyclopedia.ca/en/article/upper-canada-land-surrenders>

During the Seven Years War the British engaged in military action against the French at Fort Niagara. The provisions of the Treaty of Paris in 1763, gave the British the fort. Sir William Johnson also negotiated a settlement with the Aboriginal population and the British Crown was given a strip of land on both sides of the River.

b. First Settlement

The Town of Niagara was founded as a direct result of the proximity of Fort Niagara on the east bank of the Niagara River, a strategic outpost responsible for provisioning distant garrisons such as Detroit and Michilimackinac. With the arrival of many refugees from the American Revolutionary War, who were housed at Fort Niagara, the situation became desperate. Governor-General Haldimand proposed to settle the Loyalists on the rich agricultural lands on the west bank. When Butler's Rangers was disbanded in 1784, 258 officers and men were assigned land with clear title to be granted after 10 years of satisfactory residence (**Fig. 23 & 24**).

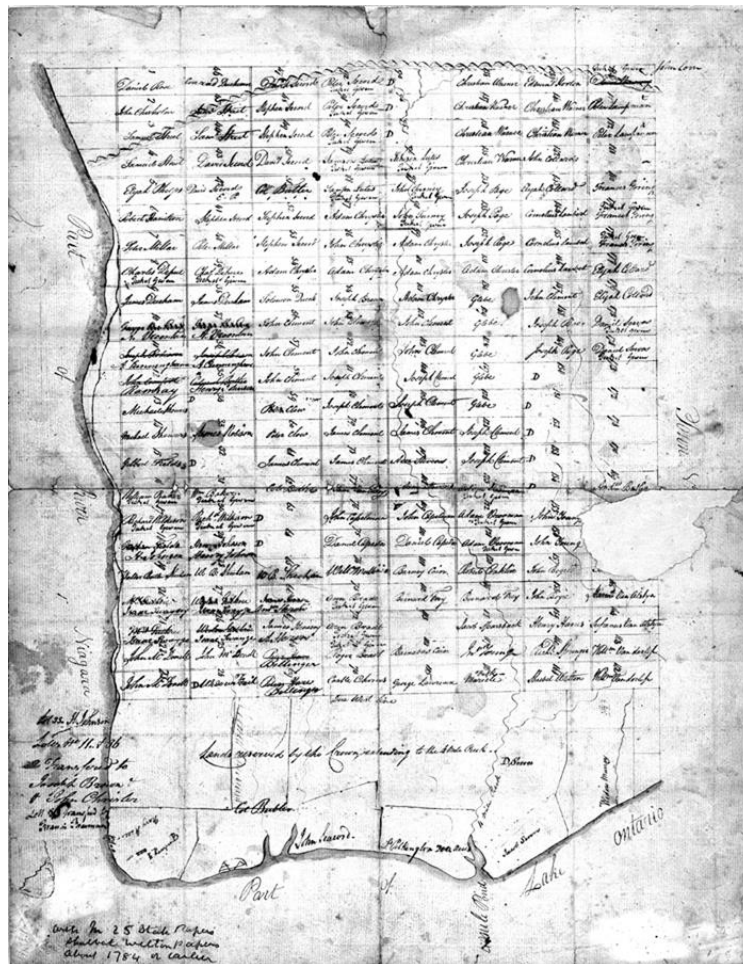


Figure 23: Niagara Township Plan A, Shubel Walton, Brock University Map Library

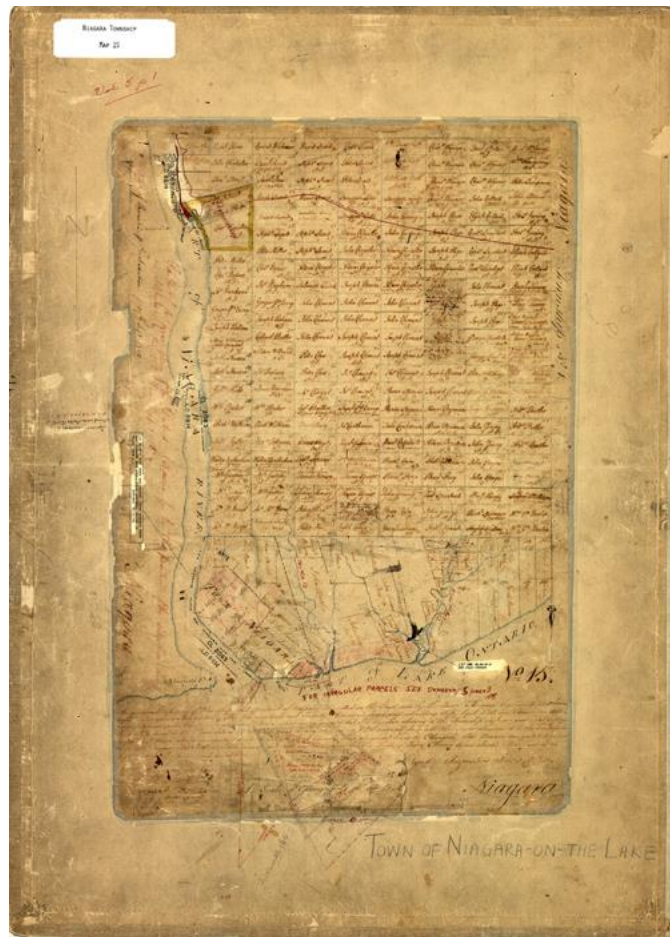


Figure 24: Augustus Jones Map, 1789, Brock University Map Library

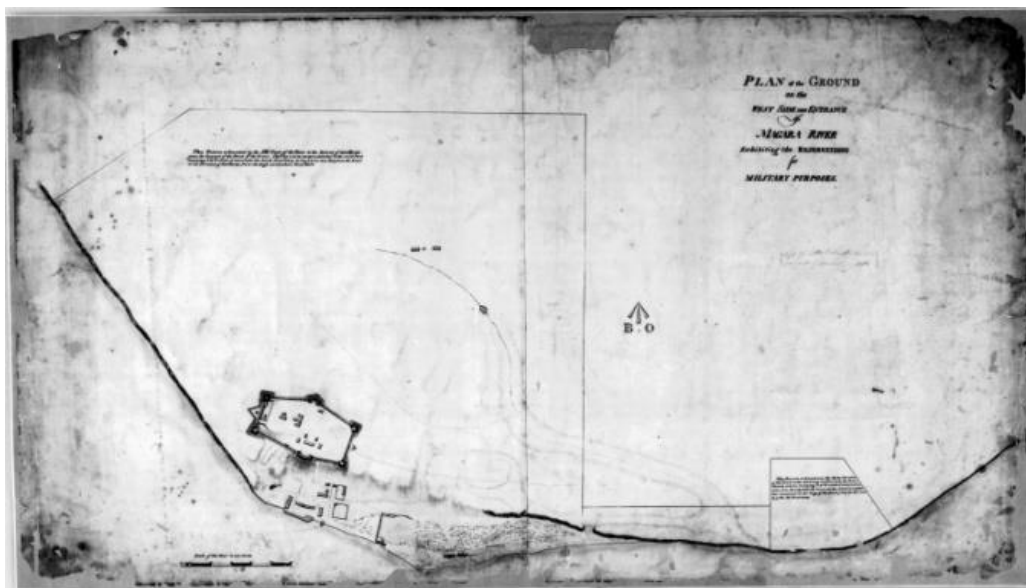


Figure 25: Niagara 1796, Military Reserve, Brock University Map Library

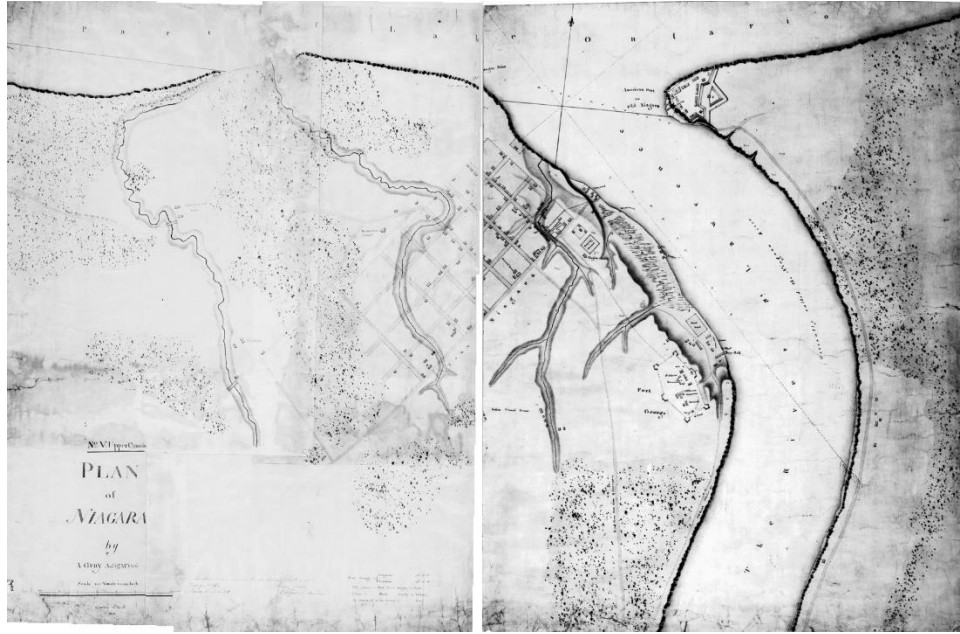


Figure 26: Gray Map 1810, Brock University Map Library, Historical Maps of Niagara Exhibit

In 1791, a town plan was devised by Assistant Surveyor General D.W. Smith consisting of a military grid system of four (4) acre blocks divided into one (1) acre lots (**Figs. 25, 26, 27**). Subsequently, the lots between Queen Street and the waterfront were reduced to a half acre. The main streets, now known as Queen, King, Mary, William, Mississauga and Butler, were laid out to a width of 99 feet with 66 foot wide secondary streets. An area towards the interior was designated as the town centre; but in practice commerce gravitated towards the waterfront with housing along Queen Street. The 1810 Gray Map of the Town from c.1810 shows a regular gridiron extending about five (5) blocks along the mouth of the Niagara River as it enters Lake Ontario and about seven (7) blocks inland from the river. Later plans include a square in the centre of the town adjacent to a large site reserved for the Anglican Church and a regular rectangular division of land outside the Town.⁸

In 1792, Governor Simcoe chose the Town as the capital of Upper Canada. He named it Newark and set about reorganizing the territory for more efficient government. The former administrative districts were divided into counties and then into townships where lot plans were made ready for settlement.

⁸ James D. Kornwolf. Architecture and Town Planning in Colonial North America, Vol. 3, p.1296
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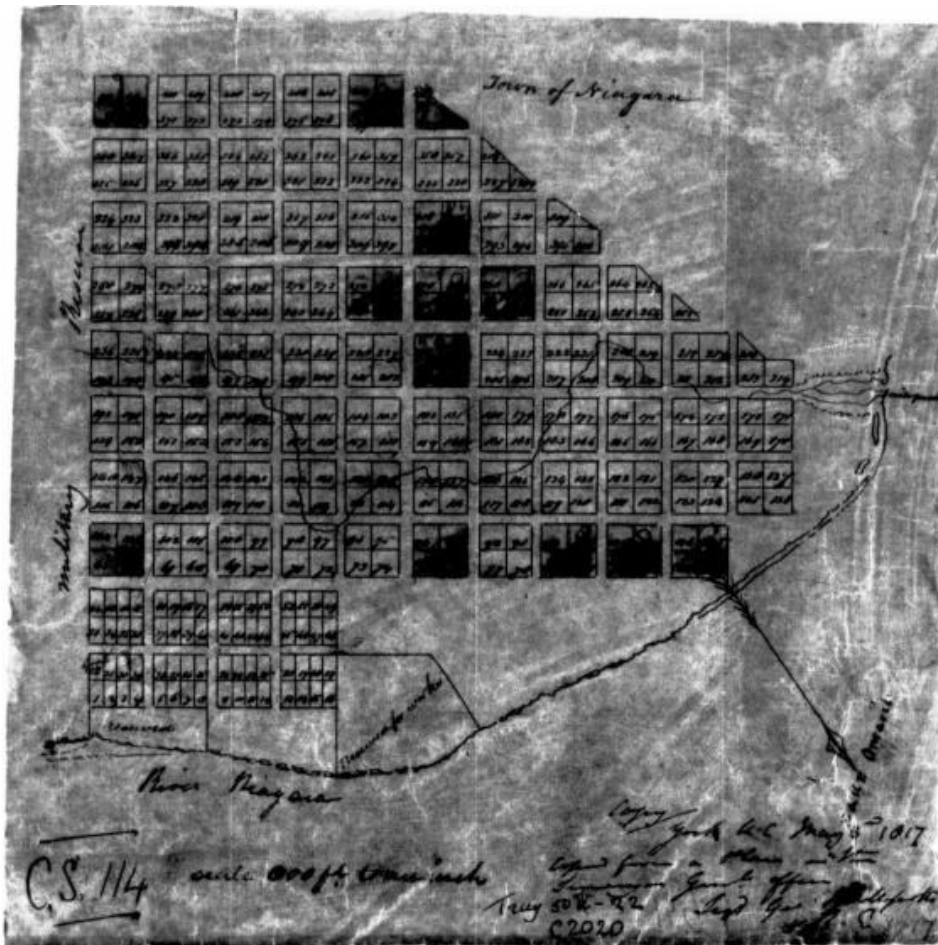


Figure 27: Niagara, 1817, Brock University Map Library, Historical Maps of Niagara Exhibit

The arrival of government officials and military personnel encouraged the establishment of businesses to supply their needs. Workmen skilled in the building trades were attracted to Newark, some from as far away as Lower Canada. The settlers brought with them their vision of what a proper house should look like and many fine houses were erected during this period. In 1794, D.W. Smith reported there were about 150 houses in the Town. At that point, the original Town plot was enlarged to a plan of 412 lots including reserves.

Construction of Fort George began in 1796; but for reasons of security the capital was moved to York in 1797. Newark reverted to the role of county seat and the inhabitants applied to the legislature for their old name back. Niagara remained the legal name of the Town until Regional government was established in 1970.

c. War of 1812-1814 and Aftermath

The War of 1812 – 1814 brought a halt to the Town’s growth. American forces occupied the Town on May 27, 1813 and on December 10, 1813, before retreating across the Niagara River,

put the Town of Niagara to the torch destroying virtually all the buildings and severely damaging others.

The form of Niagara-on-the-Lake today is largely the result of the reorganization which took place during the reconstruction. Except for those enterprises directly connected with shipping, businesses tended to concentrate along Queen Street. Returning residents built their houses mainly between Queen Street and the waterfront and up King Street to the new Court House, which had been built, for safety's sake, at the upper end of the street. The first streets to be rebuilt were Prideaux, Front, Queen and Johnson running east-west, and the cross streets from King to Mississauga. A four (4) acre block south of Queen Street owned by D.W. Smith was sold back to the Crown and designated as a market square.

In order to compensate for lands expropriated to build Fort Miississauga, a new survey was opened up east of King Street in 1826. Although the streets were a continuation of those in existence to the west, new names were assigned. Prideaux east of King Street became Byron Street, Queen became Picton Street and Johnson became Platoff Street.

d. The Niagara Harbour and Dock Company and the Welland Canal

The evolution of the Town from the end of the War of 1812 -1814 onwards was affected by periods of boom and recession, with an attendant rise and fall in building construction.

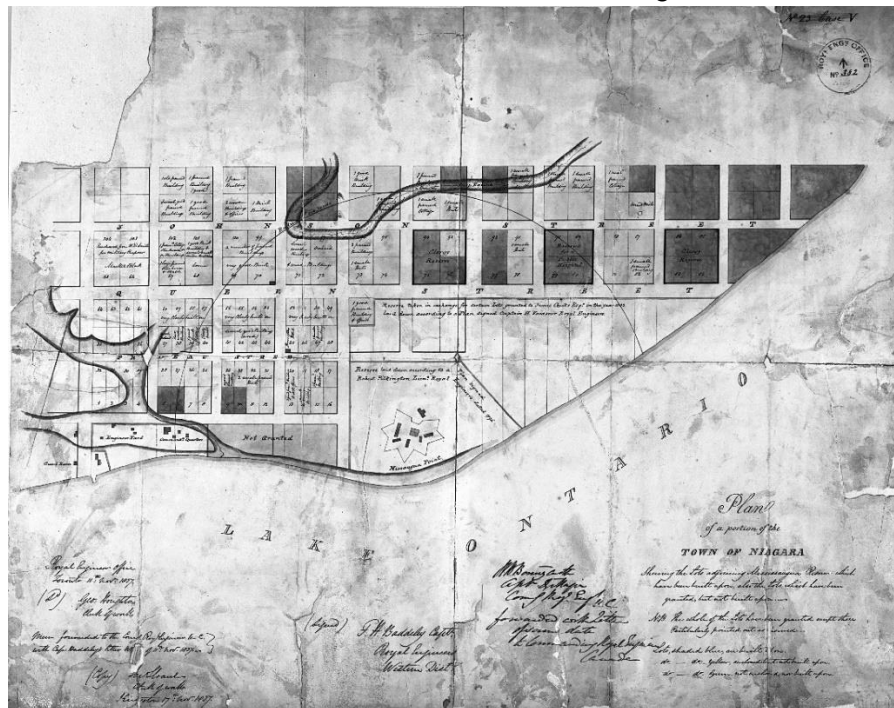


Figure 268: Niagara 1837, Brock University Map Library, Historical Maps of Niagara Exhibit

Initially there was a period of rapid growth and commercial success, mainly because of Niagara's location at the end of Lake Ontario and the head of the portage route around Niagara Falls. It was also the government headquarters for the Niagara District for most of this period. Enterprises such as the Niagara Harbour and Dock Company, founded in 1831, provided many jobs and the increase in population led to new building construction (*Fig. 28*).

In 1829 the first Welland Ship Canal was completed, replacing the overland portage route that was vital to the economy of Niagara. Despite this setback, the Town embarked on an era of economic diversification between 1830 and 1850. The Niagara Harbour and Dock Company, established in 1831, built sailing vessels, steamboats, docks and warehouses around the new harbour. Industry followed, including a tannery and a brewery. Fine commercial buildings were also constructed along Queen Street at this time.

This period of prosperity ended with the construction of the second Welland Canal in the mid 1840's and the ultimate failure of the Niagara Harbour and Dock Company. The situation was compounded when the county seat was relocated from Niagara to St. Catharines, despite the construction of the third Court House in 1847, designed by the eminent Anglo-Canadian architect, William Thomas. As a result, the population of the Town declined steadily throughout the second half of the nineteenth century.

e. African-Canadian Settlement

Although the Loyalist settlers in Niagara brought their slaves with them from the United States, slavery never took permanent root in Upper Canada. On July 9, 1793, Canada's first and only anti-slavery act was given royal assent by Governor John Graves Simcoe, fully 40 years before the British parliament abolished slavery throughout the Empire.

The Act to prevent the future introduction of slaves and to limit the terms of contracts for servitude within the province was a compromise in that it provided for freedom for future generations of slaves and effectively ended slavery in Canada.

From the beginning, Niagara was the end of an Underground Railroad system and many escaped slaves who successfully made the perilous trip settled in the Town. By 1850 there was a significant African-Canadian community located predominantly near the Negro Burial Ground in an area bounded by Mary, Mississagua, Anne and King Streets. Some of the remaining smaller, older homes in this area may have been owned by African-Canadian families though all of their descendants have since moved away.

f. Summer Visitors

The survival of both the lake steamer service and the railroad line, and the construction of a network of electric railways across the peninsula laid the foundation for the revival of Niagara as an important resort area in the late nineteenth century. Though it was off the beaten path, the

area was known for its fresh air, moderate climate and waterfront location. Wealthy American visitors came to stay for long summer vacations resulting in the enlargement of some of the older homes to accommodate extended families and servants. Large new summer residences were also constructed with balconies, verandahs, widows' walks and large airy rooms. The Phillips, Thomas, Ketchum house in its current iteration is a product of this era.

A religious camp grew up in the Chautauqua area resulting in the construction of a hotel; an amphitheatre seating several thousand people; and a number of summer cottages of a distinctly picturesque Victorian design. When the Chautauqua Institute ceased to exist, the ensuing development took on a unique street design resembling the spokes of a wheel around a central circle, the remains of the amphitheatre.

The Queen's Royal Niagara Hotel was constructed in what is now Queen's Royal Park. It was frequented by summer vacationers before the arrival of the touring automobile and accommodated such distinguished visitors as the Duke and Duchess of York, the future King George V and Queen Mary. Tennis courts, a lawn bowling green and a pavilion for parties and dances attested to the popularity of Niagara as a summer resort.

The resort era lasted until World War I. While Niagara-on-the-Lake was still on the steamer route in the 1920's and 1930's, the popularity of touring by car and the economic downturn took its toll on the type of long summer vacation that was the hallmark of the late 19th century.⁹

g. The Twentieth Century

Throughout the twentieth century, tender fruit farming and tourism have been the basis of the local economy. In 1902, Niagara unofficially became Niagara-on-the-Lake. The title was made official with the introduction of Regional government in 1970.

In the mid 1970's, encouraged by the special climate of Niagara, Inniskillin winery began to plant vinefera vines and was producing wine from those grapes by the early 1980's. The switch to vinefera grapes resulted in a burgeoning wine industry that has seen tremendous growth and has resulted in the creation of a number of estate wineries in Niagara-on-the-Lake, many of which have introduced interesting and challenging modern architectural styles to the residents of the Town. These are becoming increasingly celebrated in Canada and around the world.

Cultural institutions such as the Niagara Historical Society Museum have always been important for Niagara-on-the-Lake's development. The founding of the Shaw Festival, the 1960's also saw growth of cultural institutions such as the Niagara Pumphouse Arts Centre. The festival has since grown to encompass three theatres; is open from April until November; and attracts over 300,000 patrons each year.

⁹ Peter Stokes Old Niagara on the Lake - Introduction
228 Queen Street, Niagara-on-the-Lake,
June 2023
Leah Wallace, MA RPP MCIP CAHP

Tourism grew throughout the second half of the twentieth century and continues to grow in the twenty-first. The popularity of Queen Street and adjacent side streets as a visitor oriented shopping and dining area is confirmed by the crowds that flock there throughout the year.

1. 228 Queen Street - Site Analysis and History

The subject property fronts on Queen Street between Mississagua and Simcoe Street extending the length of an entire town block. It is situated just outside the National Heritage District in an area of larger summer homes. At one time the property was much larger, taking in a portion of land along Johnson Street and Simcoe Street. It was subdivided in the early 21st century and a number of new houses were constructed along Johnson Street to the south. Only new home in the subdivision was constructed on Simcoe Street, at 225, adjacent to the much earlier homes at 229 and 235 Simcoe Street. Two additional lots (209 and 217) that were part of the subdivision, and are located at the northeast corner of the property are now intended to be used to accommodate the hotel addition, underground parking and additional surface parking.

a. History of 228 Queen Street Property (Ketchum-Thomas-Phillips House)

In preparation of the designation of 228 Queen Street, Joy Ormsby, Town Historian, prepared an in depth analysis of the ownership, history, and development of the property, much of which forms a portion of the designation by-law.¹⁰

The subject land originally comprised four (4) one acre lots that were granted by the Crown in 1801 to Samuel Peters Jarvis (Lot 73); James Haddick (Lot 74); William Birdseye Peters (Lot 95) and William Jarvis, Provincial Secretary and Registrar in Governor Simcoe's government (Lot 96) (**Fig. 29**). William Jarvis was the father of Samuel Peters Jarvis and the brother-in-law of William Birdseye Peters. Little is known about James Haddick.

¹⁰ Joy Ormsby, Historical Background and Title Search, 228 Queen Street, Niagara Historical Museum
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Figure 29: Detail of Vavasour Map, 1832

By 1817 the still undeveloped lots were no longer separately owned. In that year William McKean and John McEwen, prominent Niagara merchants before the War of 1812-1814, mortgaged the four (4) lots, along with additional property, to Montreal merchants John Forsyth and John Richardson in order to cover heavy losses they suffered in the war. There are no records of the sale of these lots to McKean and McEwen, nor are there records of a transaction between them and John Donald McKay. However, in September 1820, McKay is registered as the mortgagor or the lots first to Montreal merchants Peter McCutcheon and Ken Dowie and then to Peter McGill. In the summer of 1821, Samuel Peters Jarvis, one of the original owners of the lots, signed a quit claim for all four (4) of the lots though it is not clear if and when he acquired the lots. Despite the quit claim, McKay's title to the lots was disputed by McEwen.

The lots remained vacant for some time. The Mississagua and Johnson Street frontages remained unopened and no buildings are shown on the 1817 Wilson Plan or the 1821 Shaw Plan. The original property was subdivided in 1827 when the Honourable William Dickson bought 1/2 acre of lot 96 fronting on Simcoe Street for 20 pounds in a sheriff's sale. The following year he subdivided the property into 1/8 acre parcels for three (3) Irish craftsmen, Patrick Fagan, a stonecutter; Henry Cleland, a carpenter; and Michael Morley, a mason. The three (3) men built houses along Simcoe Street beginning at the Simcoe Street corner. Two of these houses remain

on lots fronting on the street. The third property, owned by Fagan was purchased in 1956 by Mr. Phillips Sr. and incorporated into the lot at 228 Queen Street.

Lot 73 was divided in 1825, when John Crombie purchased a ¼ acre at the corner of Queen and Simcoe Streets in a sheriff's sale. Further severances of the lots occurred throughout the first half of the 19th century. The Vavasour Map of 1832 shows the existence of two (2) frame houses and one small hut on lots 73 and 95.

Throughout the second half of the 19th century, the land and the house that was built on the property were the home of a series of predominantly American owners, many from the Buffalo area, who used the estate as a summer residence.

In November 1875, George and Mary Ketchum of Buffalo acquired a Quit Claim to lots 74 and 95 and part of lots 73 and 96 from the descendants of McGill and McCutcheon. The following spring the Ketchums acquired an additional three (3) acres from William Scott, a pensioned soldier, though there is no record of how or when Scott acquired the land. Once the land was secured, the Ketchums constructed a house on the property which was completed in 1878 when tax records indicate that the value of the land rose sharply. This was a simple two storey structure with a three-bay symmetrical façade, a covered porch and a hip roof supported by paired brackets and two brick chimneys. The house was constructed by John Elison, a well known local builder who then sued them for unpaid bills. The Ketchums promptly sold the house and land to Henry Seton Strathy of Toronto and moved to New York City in 1879 (**Fig. 31**).

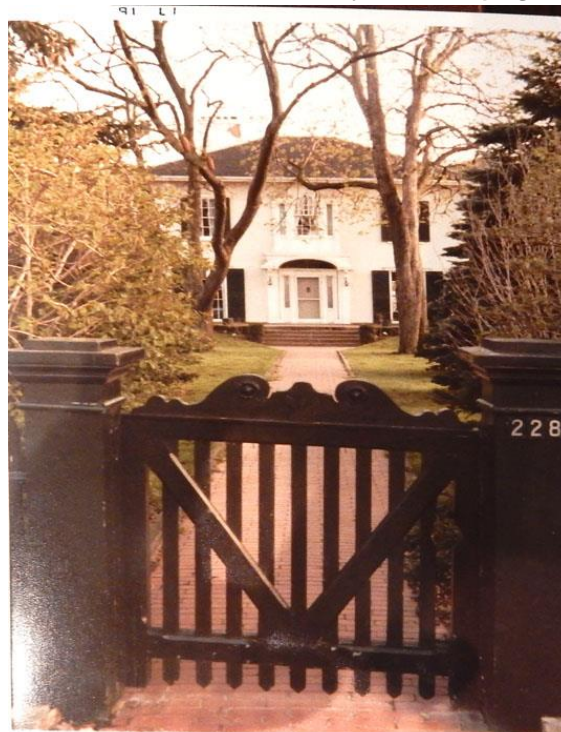


Figure 30: Possibly Mid 20th Century Photograph, Wooden Gate No Longer Extant & Simple Entrance Walkway, Niagara-on-the-Lake Historical Society Museum

Strathy, a banker, owned the property from 1879 until 1884. He rented the house until he sold it to J.J. Foy of Toronto who was manager of a lake boat company. Joy Ormsby surmised that the company in question was the Niagara Navigation Company. In 1885, Foy sold the entire property to Watts Sherman Lansing. Since 1874, Lansing had spent his summers in Niagara. In that year his father, General Henry Lansing, purchased Randwood on John Street. Lansing added the lot at the corner of Queen and Simcoe Street to the property when he purchased it from Henry Garrett. Lansing sold the property to Andrew Findlay of Kansas City in 1894 and moved permanently to Niagara-on-the-Lake. He is buried in St. Mark's Cemetery.

The Findlay family owned the property until 1904. Mr. Findlay died in 1899. His widow, probably in need of cash, sold portions of lots 73, 74, 95 and 96 to various people including Alice Garrett, who lived in the little house at 229 Simcoe Street. Mrs. Findlay's daughter purchased the house when her mother died in 1902 and sold the property to Edwin and Flora Thomas of Buffalo. The Thomases owned the property from 1904 until 1920 and may have been responsible for remodelling the house, giving it the Colonial Revival details that are characteristic of the house today (**Fig. 30**). Their daughter Elizabeth and her husband, General George Ryerson, purchased the property from her parents in 1920. They named the estate Peace Acres and made some improvements to the house for which Murray Kay Company Ltd. was contracted. Mrs. Ryerson died suddenly in 1924 and the property was sold to V Norma Grown DeGraff and Le Gran S. DeGraff of Tonawanda. They owned the estate for 20 years until it was sold to G.F. Phillips of Buffalo. The Phillips family owned the property for 47 years until it was sold to the present owner. It continued as a summer residence throughout the late 19th and the 20th centuries and was not winterized until its most recent purchase.



Figure 31: Old Photograph with Wooden Fence and Gate, Before Alterations & Removal of Covered Porch, Niagara Historical Society Museum

Identification and Significance and Heritage Attributes of Properties

1. 228 Queen Street

The property at 228 Queen Street is designated under Part IV of the OHA (**APPENDIX VI**). It is part of the cultural heritage landscape of the street. The house, as constructed by the Ketchums, began life as a simple two storey building with a covered porch, hip roof and bracketed eaves. An early photograph that has been identified as the house shows the structure as it was in the 19th century (**Fig. 31**). The central core of the building is evident as is the hip roof and the building is surrounded by a wooden picket fence. This fence is evident in pictures taken in the second half of the 20th century . At some time during this period, it was replaced by a metal fence which is still in situ.

Later owners added the screened and columned pavilions or loggias and a number of Colonial Revival features such as the Doric columns, elaborate entrance doorcase and the Palladian window above the entrance (**Fig. 30, 32, 33 & 34**) . The interior of the house also displays Neo-classical Revival details in the fireplace mantels and some of the mouldings and trim (**Figs. 35, 36 & 37**). (**APPENDIX III**)



Figure 32: 228 Queen Street, Façade with Pavilions, LDW



Figure 33: Peaceacres Detail of Loggia/Pavilion Looking Southeast, LDW



Figure 34: West Elevation, Rear Ell, Entrance Door, LDW



Figure 35: 228 Queen Street, Neo-classical Mantel, Main Floor, LDW



Figure 36: Neo-classical Mantel, Second Floor, LDW



Figure 37: Neo-classical Mantel, Second Floor, LDW

The significant heritage attributes of the property identified in Designation By-law 3983-05 include:

- The formal picturesque landscape, including some of the more significant specimen trees;
- The greenhouse (**Figs. 38 & 39**);
- The well (**Fig. 40**);
- The entire exterior of the dwelling including the entrance door and Palladian window; and
- The interior trim and fireplaces excluding the trim, panelling and fireplace in the library, the main interior staircase (since removed) and the large fireplace in the “billiard room” to the right of the entrance hall (**Figs. 35, 36, & 37**).



Figure 38: 228 Queen Street, Restored Greenhouse & Potting Shed looking west, LDW



Figure 39: Greenhouse & Potting Shed Looking Southwest, LDW



Figure 40: Well, Moved from Original Position, Looking North Towards Queen Street, To be Dismantled & Moved to New Location, LDW

2. Ontario Regulation 569/22 Analysis of 228 Queen Street (Formerly Regulation 9/06)

As noted in the introduction to this report, 228 Queen Street, is designated under Part IV of the OHA. However, the property was designated in 2005 before Regulation 9/06 came into force and before the additional amendments to the regulation and the OHA under Bills 108 and 23. Because

of this an Ontario Regulation 569/22 analysis is required to evaluate the property to ensure that it meets at least two of the criteria in accordance with that regulation as amended and that heritage attributes identified in the existing by-law are accurate and complete.

Ontario Regulation 569/22, as amended prescribes criteria set out in subsection 2.(3) for the purposes of determining cultural heritage value or interest. These criteria include:

Design or Physical Value

1. It is rare, unique, representative or early example of a style, type, expression, material or construction method; or
2. Displays a high degree of craftsmanship or artistic merit; or
3. Demonstrates a high degree of technical or scientific achievement.

Historical or Associative Value

1. It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community; or
2. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
3. Demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

Contextual Value

1. Is important in defining the character of an area; or
2. Is physically, functionally, visually or historically linked to its surroundings; or
3. Is a landmark.

Regulation 569/22 Analysis - 228 Queen Street

<p><u>Design or Physical Value</u></p> <p>1.It is rare, unique, representative or early example of a style, type, expression, material or construction method</p> <p>2.Displays a high degree of craftsmanship or artistic merit</p> <p>3.Demonstrates a high degree of technical or scientific achievement</p>	<p>1.The house is a vernacular two-storey frame and stucco building constructed in 1878 in a simple the Victorian style . It had some Regency features including French doors, a large covered front porch and a hip roof and some Italianate features such as the bracketed eaves. At some point in the early 20th century Neo-classical features, probably taken from other buildings, were added. These include the Palladian window above the entrance, the entrance doorcase and the side door with fanlight as well as two screened pavilions with distinctive Doric columns and hip roofs. These screens have since been replaced with glass.</p> <p>It is not a rare, unique, representative or early example of any particular style, material or construction method.</p>
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	<p>2.The building does not display a high degree of craftsmanship. Many of the decorative details were added in the 20th century and were taken from other buildings.</p> <p>3. The structure does not display a high degree of technical or scientific achievement.</p>
<p><u>Historical or Associative Value</u></p> <p>1.It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community</p> <p>2.Yields, or has the potential to yield, information that contributes to an understanding of a community or culture</p> <p>3.Demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</p>	<p>1.The property is associated with United Empire Loyalist settlers who received land from the Crown in 1801. These included William Jarvis, Provincial Secretary and Registrar in Governor Simcoe’s government and the Honourable William Dickson. The property is associated with Irish immigrants who brought their skills as masons and carpenters with them to Upper Canada in the first half of the 19th century and were instrumental in building a number of early buildings in the Old Town. The property is also associated with a number of wealthy summer visitors from the Buffalo area and Toronto who purchased large lots and existing houses in Old Town and arrived to stay every summer with servants and relatives. These included the Ketchums of Buffalo, who commissioned the house; J.J. Foy of Toronto who was associated with the Niagara Navigation Company; and Watts Sherman Lansing whose father owned Randwood. Lansing became a permanent resident in Niagara and is buried in St. Mark’s cemetery.</p> <p>2. The property yields information about the residents and visitors who came to Niagara each summer in the late 19th and early 20th century. They purchased large lots and expanded existing houses to accommodate their families and servants in the summer months.</p> <p>3. The house was built by John Ellison, a local builder of some importance. However, there is not evidence that he was particularly significant to the community.</p>
<p><u>Contextual Value</u></p> <p>1.Is important in defining the character of an area</p>	<p>1.The property forms part of an area that has been identified as the Queen Street Summer Homes Character Area and is an important contributor to the character of the area. It is a large house on a large, well-landscaped lot with significant surviving outbuildings and</p>

<p>2. Is physically, functionally, visually or historically linked to its surroundings</p> <p>3. Is a landmark.</p>	<p>structural features such as the greenhouse, potting shed and well.</p> <p>2. The property is physically and historically linked to its surroundings in the Queen Street Summer Homes Character Area with views out to the golf course and to other significant character area properties along Queen Street. It can be viewed from Mississagua, Simcoe and Queen Streets.</p> <p>3. The property could be considered as a landmark. It is located at the terminus of Mississagua Street at the entrance to Old Town and the Queen Street commercial area which is part of the Queen-Picton Heritage Conservation District and the National Historic District.</p>
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The property meets two of the criteria for designation under Part IV of the OHA. It has both associative and contextual value because it is relation to the historic development of Old Town and its links to early settlers and summer residents. It is an important component of the Queen Street Summer Homes Character Area and exhibits a number of features related to the character of that area. It is also physically, visually and historically linked to its surroundings and could be considered as a landmark at the major entrance to Old Town and the commercial area of the heritage district. A revised Statement of Significance is included in this CHIA because the property was designated in 2005 before provincial evaluation criteria existed.

3. Nearby Designated Properties of Cultural Heritage Value or Interest (APPENDIX VI)

There are seven (7) properties located close to the subject property designated under Part IV of the OHA. While none are technically adjacent to the property, their location, in the vicinity of 228 Queen Street, may be impacted by the proposed development. These include:

1. 209 Queen Street (Charles Inn – Richardson-Kiely House)
2. 187 Queen Street (Crysler-Burroughs House)
3. 175 Queen Street (Cottage Hospital)
4. 165 Queen Street (McDougal-Harrison House)
5. 157 Queen Street (Rogers-Blake-Harrison House)
6. 229 Simcoe Street (Fagan-Garrett-Hummel House)
7. 235 Simcoe Street (Morley-Gallagher House)

a. 209 Queen Street (Charles Inn – Richardson Kiely House)

The property at 209 Queen Street was designated in 1986 (By-law No.1660-86).**(APPENDIX VI)** The house was constructed c.1832 by Charles Richardson, a barrister and solicitor and member of Parliament for Niagara from 1832 until 1834 **(Fig.41)**.

According to the designation by-law the house is “a fine example of Neo-classic Georgian architecture”. The building sits close to the street edge in keeping with early houses in Niagara constructed after the town was burned during the War of 1812-14. While the central core of the building dates to approximately 1832, the two storey wing with its open galleries was added in the early 20th century during the heyday of the resort era when wealthy Americans and other summer visitors came to stay for the season.



Figure 41: 209 Queen Street (Charles Inn) from 228 Queen Street, LDW

The significant heritage attributes of the property listed in the designation by-law include:

- The entire exterior façade of the house;
- The central hall stairway;
- The stair well;
- The Rumford roaster;
- Parlour;
- Living room;
- Dining rooms;
- All fireplaces and mantels throughout the house; and
- The gasoliers on the main floor.

a) 187 Queen Street (Crysler-Burroughs House)

The property at 187 Queen Street was designated in 2002 (By-law 3633-02) (**APPENDIX VI**). The house was constructed c.1822 by John Morden Crysler, a local farmer who, along with 11 other citizens was instrumental in establishing the Niagara Harbour and Dock Company, a shipbuilding concern, in 1831 (**Fig. 42**).

The designation by-law states that “the house displays both Neo-classical and Greek Revival characteristics and is associated with the fine joinery work of John Davidson, who designed and executed the pulpit at St. Andrew's Church.



Figure 42: 187 Queen Street, Facade, LDW

The significant heritage attributes of the property listed in the designation by-law are:

- lands and more particularly to the entire exterior facade and structure of the house
- The exterior doorcase and entrance portico;
- The early trim and doors on the first and second floors;
- All existing fireplaces and mantels;
- Original pine floors; and
- Both the main and rear staircases.

The by-law also states that this property is a component of “the remarkable residential streetscape at the west end of Queen Street that includes the Rogers - Harrison House, the McDougal Harrison House, the Cottage Hospital and the Richardson - Kiely House.”

b) 175 Queen Street (The Cottage Hospital)

The property at 175 Queen Street was designated in 2005 (By-law 3969-05) (**APPENDIX VI**). There are two significant buildings on the property, the Cottage Hospital, c.1820 and the Nurses' Residence, c.1920, which is located behind the hospital building. Both the hospital and the Nurses' Residence were converted to condominium units at the time of the designation. A large addition at the rear of the hospital houses a number of additional dwelling units (**Fig. 43**).



Figure 43: 175 Queen Street, Facade, LDW

The property has a long and chequered history of ownership and use. At one time it was a store and during the second half of the 19th century the building was the home and surgery of two (2) doctors. When Dr. Anderson retired in 1919, Brigadier General William Nelles led the effort to have the building converted to a hospital that served the community until 1951.

The designation by-law describes the Cottage Hospital as “a substantial two storey 5 bay symmetrically arranged building of Neo-Classical design and proportions with a gable roof and Internal end chimneys. It is of post and beam construction with a stone foundation.”

The by-law also indicates that “the building sits close to the street, as do its neighbours to the west and east. An early photograph, probably taken in the 1890's, indicates that it formed, along with the Chrysler-Burroughs, McDougal-Harrison and Rogers-Blake-Harrison house, a remarkable and rhythmic streetscape of well spaced buildings on spacious lots that has remained largely unchanged”.

The Nurses' Residence is described as being designed “in the Arts and Crafts style with a brick foundation, hipped dormer and enclosed entrance surmounted by a hipped roof. This building, which is substantially unchanged, may have been designed by the St. Catharines architects Arthur Nicholson and Robert Macbeth”.

The significant heritage attributes of the property include:

- The entire exterior of the Nurses' Residence building; and
- The entire exterior of the Cottage Hospital building.

c) 165 Queen Street (McDougal-Harrison House)

The property at 165 Queen Street was designated in 2003 (By-law 3722-03) (**APPENDIX VI**). The house was constructed c.1820, probably by Adam Crysler, a Niagara Merchant. Though Crysler died at a young age, his family continued to own the house until it was sold to Daniel McDougal, a veteran of the War of 1812-1814 and a local merchant. The house was sold to the Harrisons in the 1920's and their descendants still own and occupy the property (**Fig. 44**).

The designation by-law describes the house as “a two storey red brick town house with a side hall plan and a gable roof. There is a two storey brick addition at the rear added relatively early in the history of the house (c.1830-40), with a clapboard extension. The building sits quite close to the sidewalk, a common characteristic of the older homes in the Old Town, and is distinguished by a number of distinctive features including the handsome double brick arcades, and the crow step gables at the roof ends. Arcades such as these are a characteristic of Regency buildings such as row or town houses. There are a number of arcaded brick buildings in the Old Town including the Cameron-Farren House on King Street, the Stewart McLeod House on Prideaux Street, and portions of the Liquor Store on Queen Street.”.

The significant heritage attributes of the property include:

- The lands and more particularly to the entire exterior facade and structure of the house excluding the rear ell;
- All of the original mantelpieces and fireplaces;
- The alcoves and trim in the front or best parlour; and
- The staircase.



Figure 44: 165 Queen Street, Facade, LDW

d) 157 Queen Street (Rogers-Blake-Harrison House)

The property at 157 Queen Street was designated in 1999 (By-law 3318-99) (**APPENDIX VI**). The house was constructed in 1817 by James Rogers to replace an earlier house burned in December 1813 (**Fig. 45**).

The designation by-law provides a detailed description of the house. “The house has an unusual front of six bays, the even number of openings resulting in an off-centre entrance. The original house was likely the two storey main block with a lean-to kitchen wing off the east end removed c.1836 and replaced with the two storey rear addition.”



Figure 45: 157 Queen Street, Facade, LDW

“The main section has a medium gable roof with a shed roof over the c.1835 addition, two side brick chimneys and wide sloped eaves and plain boxed verges which likely replaced the original eaves returns and built-in-cornice gutter detail. The exterior finish is now smooth stucco. The entrance door case appears to be intact but window architraves are relatively simple with beaded interior edges to some, plain in others. Notable exterior detail includes the main entrance including the shaped transom with multiple lights, sidelights and six panel entrance door. The structure is basically a heavy timber frame of the barn type. The interior detail is representative of the finer houses of the Town.”

The significant heritage attributes of the property include:

- First floor - dining room, parlour/living room, family room, kitchen, front hall/stairs, rear hall/pantry/laundry, including features such as horsehair plaster ceilings and walls, pine floors, pine baseboards, doors and windows including trim, carpenter iron box locks, ironwork and door hardware; parlour/living room fireplace, door with trim; dining room fireplace, alcove with trim, door with trim, pine floor; six panel bathroom door; six panel kitchen/hall door; three 12/12 windows at the north wall; family room/back hall door with hardware/thumb latch;
- Second floor - Blake bedroom mantel, door with trim and hardware (box lock); Rogers bedroom mantel/fireplace; Harrison suite floors, doors: and
- The lands and more particularly the entire exterior facade and structure of the house.

e) 229 Simcoe Street (Fagan-Garrett-Hummel House)

The property at 229 Simcoe Street was designated in 2005 (By-law 3922-05) (**APPENDIX VI**). The building represents an important cultural heritage artifact related to Irish settlement and early artisans in Niagara. (**Fig. 46**) The property was home to a stone cutter and formed part of an enclave of other Irish settlers and artisans. The building is modest in size and design and is located close to the street, an indication of its early date of c.1835. With its neighbour to the south, it is integral to the streetscape character of the early layout of the Town.



Figure 46: 229 Simcoe Street, Facade, LDW

The designation by-law describes the building as being “slightly raised above the- sidewalk and is a stucco one and a half storey three bay frame building with a centre door. The gable roof is decorated with fretted fascias. There are small upper storey gable end windows with two end windows below in the south wall but none to the north. Behind the main structure is an offset gable roofed clapboard wing with two later lean-to additions.” There is little noticeable detail in the house which displays a number of different trim details from different periods in the history of the house.

The significant heritage attributes of the property are:

- The lands and more particularly to the front facade and the north and south exterior walls of the dwelling.

f) 235 Simcoe Street (Morley-Gallagher House)

The property at 235 Simcoe Street was designated in 2003 (By-law 3724-03) (**APPENDIX VI**). The house, which was constructed c.1828, and its neighbour to the north, sits on a relatively steep rise of ground close to the street, a common characteristic of early buildings in the Old Town (**Fig. 47**). The building is centred on the lot with small side yards. The building is a symmetrically arranged three-bay two storey structure with a side gable roof and internal chimneys. The designation by-law emphasizes that its location on the lot “constitutes an integral addition to the character and setting that marks the earlier layout of the Old Town with houses arranged parallel to the street and set close to the street line.” Much of the early interior detail and layout of the house is intact.



Figure 47: 235 Simcoe Street, Facade, LDW

Like its neighbour at 229 Simcoe Street, it was owned and probably built by an Irish immigrant, Michael Morley. Morley was a mason. His family owned the house for more than 80 years.

The significant heritage attributes of the property are:

- The lands and more particularly to the entire exterior facade and structure of the house excluding the board & batten addition;
- The carriage stone located in front of the house;
- All of the pine floors;
- The fireplace mantels in the parlour and the upstairs bedroom;
- The five fireplace openings;
- The staircase and the bathroom door on the second floor; and
- The door connecting the kitchen to the dining room on the first floor.

4. Nearby Non-designated Properties Listed on the Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value and Interest

While they are not designated under Part IV of the OHA, there are a number of properties in the vicinity of the subject property that are included on the Town's *Municipal Register of Properties of Cultural Heritage Value and Interest* and are subject to limited demolition control. As previously indicated, they are considered to be important contributors to the streetscape and to have a level of cultural heritage value or interest, though a detailed analysis with respect to their cultural heritage value and interest has not been completed. Though they are not technically adjacent to 228 Queen Street, some of these properties may be impacted by the proposed development.

a) 154 Queen Street

The property is located on the southwest corner of Queen and Gate Streets, one block east of 228 Queen Street adjacent to the commercial area. The house, known as the Doctor's house, is a two storey, three bay clapboard structure with side entrance and a large covered porch that wraps around the front and east side of the building. The six-panel door is surrounded by a four-pane transom and side lights. The large window openings contain 6 over 6 glass panes. The house is Regency in style and is located close to the street on the east side of the property, a location indicative of early homes in Old Town. The large garden to the west is surrounded by a white picket fence, a common feature on residential streets (**Fig. 48**).



Figure 48: 154 Queen Street, Facade, LDW

b) 164 Queen Street



Figure 49: 164 Queen Street, Facade, LDW

The property is located on the south side of Queen Street between Gate and Simcoe Streets just west of 154 Queen Street (**Fig. 49**). The Tudor Revival stucco and half timber house is located on a large, well-landscaped lot and is set back from the street behind shrubs and bushes and an iron fence. The site is picturesque and is indicative of later homes in Old Town which are set back from street. The house may have been erected as a summer residence in the late 19th or early 20th century when the Tudor Revival style became popular in North America.

c) 184 Queen Street



Figure 50: 184 Queen Street, Facade, LDW

The property is located on the southeast corner of Queen and Simcoe Streets directly across from the eastern boundary of 228 Queen Street (**Fig. 50**). This house, known as the Mussen House, was built for a former Mayor of Niagara.¹¹ The large Tudor Revival building, constructed in the early 20th century, is centred on a spacious well-landscaped lot with a broad sweep of lawn and mature trees and shrubs. A recently constructed pool house is located on the west side of the lot adjacent to Simcoe Street. The property is surrounded on the Queen and Simcoe Street sides by a tall iron fence. The entrance to the property, located on Queen Street, is framed by simple brick pillars. The property has a sense of privacy and seclusion from the busy street. It was included in Nicholas Hill's 1986 *Estate Lot Study* and described as "a large and grandly landscaped corner lot fronting on Queen, Simcoe and Johnson Street". It also "enhances the spacious estate lot character of the area".¹²

d) 284 Queen Street

The property is located on the south side of Queen Street between Mississagua and Butler Streets (**Fig. 51**). The house is a large, Victorian two storey clapboard structure with a deep porch and balcony above that extends around the façade and west side of the building. The building is set back in a spacious, well-landscaped lot containing shrubs, bushes and a number of mature trees and is enclosed by one of the low white picket fences that is characteristic of Old Town. This house, like 184 Queen Street, was included in Nicholas Hill's *Estate Lot Study*. Hill describes the property as "an estate lot in the grand tradition. The property is rare not only for its large and noble size but also for the presence and preservation of the garden and outbuildings..... It is

¹¹ James E. Masters, *Niagara Reminiscences, The Masters Papers*, p.269

¹² Nicholas Hill, *Niagara-on-the-Lake Estate Lot Study*, p.6

therefore the presence of the whole composition that is of rarity and value as a superb estate lot and in its contribution to the spacious estate lot character of the area.”¹³



Figure 51: 284 Queen Street, Facade, Garden and Picket Fence, LDW

e) 180 Johnson Street

This property is located on the south side of Johnson Street between Gate and Simcoe Streets (**Fig. 52**). The house is located on the east side of the lot on a rise of land and, while it sits relatively close to the street, it also sits above the sidewalk and the street edge.



Figure 52: 180 Johnson Street, Facade with Addition and Landscaping, LDW

¹³ Nicholas Hill, *Niagara-on-the-Lake Estate Lot Study*, p.14
228 Queen Street, Niagara-on-the-Lake,
June 2023
Leah Wallace, MA RPP MCIP CAHP

The house is a simple one and a half storey, symmetrical, three-bay structure typical of Old Town's earlier buildings with a large modern board and batten extension to the west which runs parallel to the original structure. The house may have been clapboard but is now stuccoed. The central door and 6 over 6 windows have simple surrounds in keeping with the Georgian style.

f) 234 Johnson Street

This property is on the southeast corner of Johnson and Mississagua Streets and extends the whole length of the block to Simcoe Street (**Fig. 53**). Interestingly, the house, which is located at the west end of the property and is known as the Clench House, faces Simcoe Street rather than Johnson Street, an indication of its early date. The majority of the lot is located in front of the house and extends down to the creek which flows close to the east side of the site. Behind the house, along Mississagua Street, are two small clapboard cottages which are also located on the property. The lot was owned by a prominent United Empire Loyalist family and the house is a reflection of their prominence in the community. Once again a picket fence and wooden gate define the boundary of the property along Johnson Street.



Figure 53: Clench House, 234 Johnson Street, Facade, Gate and Picket Fence

The building is a full two storey, five-bay clapboard building based on a centre hall plan. The house is believed to have been constructed c.1826 to replace a building that survived the burning of the Town in 1813, but accidentally burned a short time later. Peter Stokes in his book Old Niagara on the Lake, calls it "*Perhaps the finest example of its type surviving in Niagara-on-the-Lake*".¹⁴

¹⁴ Peter Stokes, *Old Niagara on the Lake*, p.63
228 Queen Street, Niagara-on-the-Lake,
June 2023
Leah Wallace, MA RPP MCIP CAHP

The façade of the house has a central doorway with sidelights and is surmounted by an elliptical fanlight with delicate kames. Above the door is a Palladian window. The flat-roofed porch with paired Ionic columns is a later addition. Other decorative features include fluted pilasters with Ionic caps. The windows have 12 over 12 divided lights. The decorative details, ratio of window to wall and prominent internal chimneys indicate the structure's Neo-classical origins.

The house was restored in recent years and repair of the siding facing Johnson Street revealed that the timber frame of the house was filled with brick nogging. This type of construction has been verified in one other house in Old Town – The Miller House on Mary Street.

g) 292 Johnson Street

This property is located on the southeast corner of Butler and Johnson Streets. Butler Street terminates at One Mile Creek in this vicinity and continues on the other side of the creek (**Fig.54**).



Figure 54: 292 Johnson Street, Facade, Gardens and Picket Fence

The house is a Victorian two storey clapboard building with the gable end facing the street. It has three bays on the ground floor; but only two bays above with a side entrance on the east side of the façade. A covered porch extends across the front of the house. A later extension extends to the east, parallel to the street. The building is set well back behind a picket fence on a well-landscaped lot with mature shrubs and trees. Its location on the lot and general appearance indicates that it was probably constructed in the second half of the 19th century.

5. Streetscapes

a) Queen Street

The streetscape along Queen Street within the vicinity of 228 Queen Street changes dramatically from west to east on both the north and south sides of the road reflecting the historic development of Niagara from the period just after the War of 1812-1814, through the 20th century.



Figure 55: Streetscape, South Side of Queen Street Looking East Towards Mississagua Street



Figure 56: Streetscape, South Side of Queen Street at 228 Queen Street, Looking West Towards Mississagua Street

To the west, on the south side of street are a series of spacious lots, including 228 Queen Street, with large houses set back on well-landscaped properties (**Figs. 55 & 56**). Several of these are Classical Revival in style, although there are also houses that are stylistically Queen Anne. These are the summer homes and estates described in Carl Bray's *Estate Lot Study* as "a cohesive group of large properties that were created as seasonal residences. Their design/physical significance is based upon a consistent development pattern of a large detached main house with a deep setback from Queen Street and generous side and rear yards, in some cases including gardens but also secondary structures."¹⁵

To the north is the Niagara-on-the-Lake golf club, an open space with views to Lake Ontario. The golf club sits on Parks Canada land and is the site of Fort Mississauga which was constructed after the War of 1812-1814 (**Fig. 57**). Just east of this open space is the Charles Inn, one of the early, post-war houses in the Town which, characteristically, sits close to the street. The open balconies and additions to the building were added when it was converted into a summer residence in the late 19th century (**Fig. 41**).



Figure 57: Streetscape, North Side, Niagara-on-the-Lake Golf Course with Lake Ontario Beyond

¹⁵ Carl Bray, Bray Heritage, *Niagara-on-the-Lake Estate Lot Study*, p.30
228 Queen Street, Niagara-on-the-Lake,
June 2023
Leah Wallace, MA RPP MCIP CAHP



Figure 58: Queen Street Streetscape Looking Northeast, Simcoe to Gate, LDW



Figure 59: Queen Street North Side Looking West, Gate to Simcoe, LDW

East of Simcoe Street, on the north side, the streetscape is characteristic of the post-war War of 1812 – 1814 era. The houses, constructed during the first half of the 19th century, sit close to the street with large gardens extending to the rear. They vary in style from Neo-classical to Classical Revival or Greek Revival. They are grand buildings (**Figs. 58 & 59**).

For the most part, the streetscape east of Simcoe Street on the south side maintains the character of large houses on spacious lots. The two houses in this area are Tudor Revival in style. These terminate at Gate Street with the early Doctor's House at 154 Queen Street which marks the

beginning of the commercial area. This house is smaller than the other houses on the south side and sits close to the sidewalk (**Figs. 48, 49 & 50**).

b) Mississagua Street

This streetscape has not been identified as significant. However, it marks the entrance to the Old Town and terminates in a view of the golf course, which is a Parks Canada property, and a distant and relatively rare view of Lake Ontario.



Figure 60: Mississagua Street East Side Looking Southeast, LDW



Figure 61: Mississagua Street East Side Looking Northeast, LDW



Figure 62: View of Coach House & 241 Johnson Street Lot Looking East from Mississagua Street, LDW

The streetscape along the east side of Mississagua extending to Johnson Street consists of an important view of the property at 228 Queen Street with the house set back on the lawn and the recently constructed coach house which sits close to the sidewalk. Access to the property is via an arched entranceway in the centre of the coach house. This streetscape terminates in a view of the golf course with Lake Ontario in the distance. It marks the key entrance to the historic Old Town for visitors (**Figs. 60 & 61**). Further to the south is a vacant lot in the surrounding subdivision which was utilized until recently as the open side yard of a new subdivision house facing Johnson Street (**Fig.62**). The south side of Johnson Street at Mississagua is the rear yard of the Clench House with the two restored clapboard cottages that back onto Mississagua Street and the newly constructed garage and parking area, which shield the main house from view. These are located behind a low white picket fence which borders the property along Mississagua and Johnston Streets (**Fig. 63**).



Figure 63: Johnson Street Looking Southeast from Mississauga Street, Clench House, Picket Fence & Garage, LDW

The streetscape along the west side of the street is not particularly significant. It consists of the landscaped side yard of a house facing Queen Street and two other medium sized lots containing houses that are not particularly significant and is bordered by white picket fencing.

c) Simcoe Street

The predominant streetscape at the northwest corner of Simcoe Street is the expansive lawn of 228 Queen Street with the house, the restored greenhouse and potting shed . These are somewhat shielded from the street by a line of trees planted by the present owner. The trees are located behind a metal fence that extends along the perimeter of the property from Queen Street to the rear property boundary (**Fig.64 & 65**) . To the south is a new house, constructed on a lot in the small subdivision created in the early 21st century. Beyond this house to the south are the two (2) designated properties at 229 and 235 Simcoe Street. The houses on these properties are sited on a rise of land above the street. They are oriented close to the sidewalk and the road, an indication of their early date. They are of simple Georgian design and are indicative of the historic development and division of lots in the Old Town (**Figs. 66, 67, 68, 69**). The streetscape terminates at the southwest corner of Johnson and Simcoe Streets with a treed area in the vicinity of the creek .



Figure 64: Simcoe Street Looking West, Line of Trees on Peaceacres Property, LDW



Figure 65: Simcoe Street Looking West, View of Peaceacres House & Greenhouse, LDW



Figure 66: Simcoe Street, New Home, Plan of Subdivision, Looking West, LDW



Figure 67: Simcoe Street Looking Southwest, New Home & View of 229, 235 Simcoe Street, LDW



Figure 68: Simcoe Street, 235 & 229 Simcoe Street Looking Northwest, LDW



Figure 69: 235 Simcoe Street & 229 Simcoe Street, Looking North Towards Queen Street, LDW



Figure 70: 184 Queen Street Viewed from Simcoe Street, Looking East, LDW

The east side of Simcoe Street consists, at the northeast corner of the large landscaped side yard at 184 Queen Street with the modern clapboard pool house to the south and the secluded Tudor Revival mansion in the distance (**Fig. 70**). These are located behind high cedar hedge which acts as a natural wall concealing the buildings and grounds from view and concealing views from the property to the street and beyond. Further to the south is a large house constructed in the second half of the 20th century. The house is a large two storey structure clad in smooth pink stucco. It is shaded and somewhat hidden by a number of mature trees located both on the property and on the street. Fencing is low and open to the street.

d) Johnson Street

The north side of Johnson Street consists of lots in the small subdivision created from the property at 228 Queen Street in the early 21st century. The lot at the northeast corner of Johnson and Mississauga Streets is vacant. The houses to the east are new and of varying derivative traditional styles. The buildings are set back on well-landscaped lots. The lots sizes are generous and generally the houses are in keeping in mass, height and scale, with the residential neighbourhood (**Figs. 71, 73, 73**).



Figure 71: 241 Johnson Street, Vacant Lot Looking North, LDW



Figure 72: 233 Johnson Street Looking North, LDW



Figure 73: 225 Johnson Street Looking North, LDW

The south side of Johnson Street between Mississagua and Simcoe Streets is the site of the Clench House property at 234 Johnson. The house is located close to Johnson Street near the rear boundary of the property and is attached via a restored greenhouse to the new gambrel-roofed garage. Two small clapboard sheds are located just inside the picket fence that borders Johnson Street and extends to Simcoe Street. The house is turned at right angles to the street and is sited on the high point of the property which sweeps down to the Two Mile Creek. The fence extends to the centre of the street where it terminates at an entrance gate leading to the house. From that point a thicket of shrubbery and trees and a chain link fence extend down to Simcoe Street, concealing the landscape from the street. This shrubbery continues along the Simcoe Street property boundary (**Figs. 74, 75**).



Figure 74 : Clench House, 234 Johnson Street Looking Southwest from Johnson Street



Figure 75: Johnson Street Looking East from Clench House, LDW

6. Summary

The property at 228 Queen Street is designated under Part IV of the OHA and is also identified as a significant component of the Queen Street Summer Homes Character Area. It is located in a prominent position at the entrance to the historic Old Town. Although it is located outside of both the Queen-Picton Streets Heritage Conservation District and the National District; it is an important property with cultural heritage landscape values and is situated close to a number of significant designated and listed heritage properties that are also important contributors to the distinctive cultural heritage landscape that is characteristic of the large homes that were constructed or converted for summer visitors in the late 19th century. Any alteration to the property must be assessed as it relates to the loss of open space setting and to visual and physical impacts on surrounding summer homes and gardens.

The property is also located close to the significant streetscape of early homes constructed after the War of 1812-1814 and the burning of the Town. These properties, located in the National District, are essential to the distinctive character of the Neo-classical and Georgian buildings in the original military grid. They are set close to the street with large private gardens situated to the rear. Impacts on these properties, both visual and physical, must also be assessed.

While the diverse streetscapes of Queen Street are the most important cultural landscapes relating to the property at 228 Queen Street, the streetscape along Simcoe Street and Johnson Street are of value as cultural landscapes that are composed of houses of significant cultural heritage value both historically and architecturally, as well as newer homes that are, for the most

part, appropriate to the streetscape and the neighbourhood in mass, scale and design. However, due to the proposed location of the new hotel building and parking, the impacts on these streetscapes and cultural heritage resources are limited.

Evaluation of Heritage Impacts

Policy 2.6.3 of the PPS states that *planning authorities shall not permit development and site alterations on adjacent lands to protected heritage property unless the proposed development and any site alteration is evaluated and that evaluation demonstrates that the heritage attributes of the protected property will be conserved.*

The Planning Act, the Growth Plan, 2019 and the Region of Niagara Official Plan also contain policies that encourage the conservation of significant and protected heritage properties. The Region's Official Plan includes additional policies for requiring heritage impact assessments to evaluate the impact of new development on cultural heritage resources.

The Regional Official Plan encourages municipalities to establish cultural heritage landscape policies. The Town of Niagara-on-the-Lake's Official Plan provides for protection of the Main Street corridor and includes secondary planning policies for the identification of significant cultural heritage resources and cultural heritage landscapes. The town also encourages creative, appropriate and economic uses for heritage resources in order to conserve and maintain them into the future.

Several properties in the vicinity have been listed on the Register as non-designated properties. This listing acknowledges that these buildings and lots are significant and may be worthy of designation either individually or as components of a cultural heritage landscape.

The Standards and Guidelines for the Conservation of Historic Places in Canada states that *any action or process that results in a physical change to the character-defining elements of an historic place must respect and protect its heritage value and provides a number of general standards for the preservation, rehabilitation and restoration of historic places in Canada.*

The Ministry of Citizenship and Multiculturalism has provided InfoSheet #5 to assist in the analysis of heritage impacts including destruction of significant heritage attributes; unsympathetic alterations; alterations that create shadows; isolation of heritage attributes, obstruction of significant views; change in land use; new development in open spaces; land disturbances that may affect archaeological resources.

The impacts of the proposed development on the property at 228 Queen Street and neighbouring properties that are either designated under Part IV of the OHA or listed on the Register are assessed in relation to these policies and documents and the recommended policies in the

adopted official plan, which is not in force, as they relate to the Queen Street Summer Homes Character Area in the recently completed Estate Lots Study of 2018.

1. Provincial, Regional and Local Policies

With respect to the provincial, regional and local policies relating to the conservation of the heritage attributes of protected heritage property and the conservation of significant heritage properties that may not be designated under the OHA or may have archaeological significance; both the exterior and interior heritage attributes of 228 Queen Street will be physically and visually impacted by the proposed hotel development. Construction of hotel buildings of considerable size and height will impact attributes of cultural heritage value or interest on the subject property and in the surrounding area. The views and vistas to and from the site and existing structures and landscaping on the property and a number of nearby designated and listed properties will also be impacted.

The interior of the house at 228 Queen Street has been altered over the years to accommodate changing uses, both commercial and residential. Accessory structures such as the barn, which was moved to Willowbank; the greenhouse and potting shed, which were moved to the east side of the building; and the coach house and new vehicular entrance on the west side of the property have altered the landscape and the setting of the house as well as the relationships between buildings. The construction of the new four storey hotel expansion and underground parking, although located on two lots which are currently part of an existing plan of subdivision and which are neither designated nor listed on the Register but which is adjacent to the street; will result in further alteration of the property and the streetscape. The construction of an additional two storey structure to the rear of the house adjacent to 241 and 233 Johnson Street, on the designated property, will, to a lesser extent, impact the property. The new hotel buildings must be carefully designed to ensure compatibility and to mitigate impacts on adjacent properties and significant cultural heritage landscapes.

2. Analysis of Heritage Impacts Based on Ministry of Citizenship and Multiculturalism InfoSheet #5

<p>1. Destruction of any, or part of any, significant heritage attributes or features.</p>	<p>No significant built heritage attributes will be destroyed; but significant heritage attributes will be altered. The exterior of the house at 228 Queen Street and all other structures on the property will remain intact and in situ with the exception of the well which will be dismantled and moved to an alternate locate location on the property. However, the cultural heritage landscape will be impacted when the new hotel additions are constructed at the northeast corner on the existing</p>
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	<p>subdivision lots and rear of the subject property, which is currently occupied by the recently constructed pool house. This will result in removal of trees from the site and the elimination of some open space areas. An inventory of the trees on the property has been undertaken by a qualified arborist and a list of trees to be retained and those that will be removed is appended to this CHIA. (APPENDIX IV).</p> <p>While none of the surrounding designated or listed properties will be physically impacted by the proposed development, views into the site and from the site at the northeast corner, which are currently open and expansive, will result in visual impacts on the surrounding properties, particularly those at 209, 187 and 184 Queen Street. The streetscape, which has been identified as characteristic of the Queen Street Summer Homes Character Area will also be impacted by construction of the hotel addition, which is taller and larger than other buildings on the street and will be prominently located on the northeast corner of the Queen and Simcoe Streets. However, the new hotel building will not be constructed on the designated property. It will be located on the two existing vacant subdivision lots at this corner which would have been the location of two new residential dwellings.</p>
<p>2. Unsympathetic or incompatible alterations</p>	<p>None of the existing built heritage resources will be altered unsympathetically. However, hotel additions are proposed for the northeast corner of Queen and Simcoe Streets and at the rear of the subject property. The Queen and Simcoe Street corner is a sensitive and significant area and, while impacts to the house, greenhouse and potting shed will be minimal, impacts to the streetscape and cultural landscape will be considerable. Any new building must be designed to be compatible with the existing house, other houses in the Queen Street Summer Homes Character Area and the streetscape.</p> <p>Sympathetic landscaping should enhance the setting of the new addition and its surroundings. Views and vistas into the site,</p>

	<p>particularly on the northeast side of the property, are important for the character of the streetscape. Those views, vistas and landscapes will be the subject of visual impacts. The impacts on the views and vistas will be less impactful on the northwest corner are Mississagua and Queen Street.</p>
<p>3. Alterations that create shadows that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings</p>	<p>The proposed development is confined to northeast corner on two subdivision lots and to the rear of the property and is located at a distance from the house and other surrounding properties which are separated from the subject property by public streets. The proposed building is four storeys in height and the new parking will be underground. However, to accommodate the underground parking and other services, a number of trees and other landscape features must be removed.</p> <p>Shadows should not alter the appearance of any heritage attributes though it may have a minimal effect on natural features or plantings on the property. A visual shadow study was completed. The study indicates that there will be impacts on the house and greenhouse on the property and on the Charles Inn which is a designated property. However, these impacts are of limited duration and occur only at certain times of the year. Generally, shadows on December 21st in the late afternoon impact the Charles Inn which is across Queen Street and is designated under Part IV of the OHA. There are shadow impacts on the property at 184 Queen Street on June 21st in the early evening. This house is listed on the Town's Register but is not designated. On the 21st of March and September there are shadow impacts in the early morning on the greenhouse and the main house on the subject property.</p>
<p>4. Isolation of a heritage attributes from the surrounding environment or context</p>	<p>No significant heritage attributes will be isolated from the surrounding environment, though construction of the hotel addition may result in impeding certain views to and from the site.</p>

<p>5. Direct or indirect obstruction of significant views or vistas within, from or of built and natural features</p>	<p>There will be obstruction of views and vistas into the site at the northeast corner of the property if the hotel addition is constructed. This will impact views from 209, 187 and 184 Queen Street and will impact views from the property to 187 and 184 Queen Street. Views to and from the golf course will not be impeded or impacted nor will views to and from the house, greenhouse and potting shed of the golf course and the north side of Queen Street. Views from the Mississauga Street corner will also not be impacted.</p>
<p>6. Change in land use</p>	<p>The property is zoned for commercial hotel uses and this will not change when the residential use ceases on the two subdivision lots.</p>
<p>7. New development or site alteration to fill in formerly open spaces.</p>	<p>The proposed new hotel building will fill in a formerly open space at the northeast corner of the property. However, the space it will occupy is the location two lots in an approved plan of subdivision. Consequently, these two lots would be the site of two homes similar to the one located at 225 Simcoe Street if they were sold as building sites and the area would be altered and occupied by large residential structures.</p> <p>The proposed parking area and driveway in front of the hotel addition will also result in alteration of the property. However, the previously approved hotel proposal also anticipated a driveway and parking in this location.</p> <p>The construction of additional hotel units at the rear of the property in the location of the pool house will also alter the property. However, this area is not visible from any of the public streets and has previously undergone considerable alteration.</p>
<p>8. Land disturbances that may affect an archaeological resource</p>	<p>An archaeological survey was completed when the subdivision was proposed. However, because there will be major excavation to accommodate the underground parking, if deeply buried archaeological resources are discovered during excavation, all work will stop and a licensed archaeologist</p>

	will be engaged in accordance with Section 48(1) of the <u>Ontario Heritage Act</u> to carry out additional archaeological field work. This survey will be completed before construction recommences.
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3. Analysis of Heritage Impacts Based on the General Standards for Preservation, Rehabilitation and Restoration, Standards and Guidelines for the Conservation of Historic Places in Canada

<p>1. Conserve the heritage value of an historic place. Do not move, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character defining element.</p>	<p>A number of the character defining elements on the site have already been moved and relocated with the approval of Council. These include the greenhouse and potting shed and the well. The well will be moved again to another location on the property. No additional character defining elements will be moved. An arborist has been engaged to assess the trees on the site and a number of mature trees will be removed to accommodate construction of the new hotel building and the underground parking. This will necessitate replacement, as feasible, of the trees and other landscape features. The house will retain its position relative to Queen Street, ensuring that it will be highly visible as a character-defining element of the cultural landscape of the street. The greenhouse in its current location is more easily viewed than it was in its original location and has been restored. Views of the structure will not be impeded.</p>
<p>2. Conserve changes to an historic place that, over time, have become character-defining elements.</p>	<p>There will be no changes to the character-defining elements as noted above. The house will maintain a prominent position facing Queen Street and the greenhouse and potting shed have been restored and reassembled and located in a prominent position on the east side of the property. The owner intends to maintain all of interior heritage attributes listed in the designation by-law with the exception of the staircase which was previously removed as approved by Council.</p>

<p>3. Conserve heritage value by adopting an approach calling for minimal intervention.</p>	<p>Intervention includes construction of new hotel buildings and underground parking but this is confined to the rear of the property and the two subdivision lots at the corner of Simcoe and Queen Streets. There will be minimal intervention with respect to the structures of the house and the greenhouse, ensuring that they are seen as distinct components of the landscape. However, the greenhouse will be attached to the new hotel building by a glassed in walkway similar to the one that exists between the greenhouse and the existing house.</p>
<p>4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never existed.</p>	<p>Not applicable. Construction of the new hotel buildings will not create a false sense of historical development. No elements from other historic places will be added.</p>
<p>5. Find a use for an historic place that requires minimal or no change to its character-defining elements.</p>	<p>The use for the property at 228 Queen Street is already established as a hotel with restaurant and other facilities. Changes to the house and relocation of the greenhouse and potting shed have already been completed and there will be minimal additional alterations to these character-defining elements. The construction of the new hotel additions will have an impact on the picturesque landscape that is included as a character-defining element of the site. This must be mitigated through careful and compatible design and placement of the building and parking. The above ground parking was anticipated in the previous site plan.</p>
<p>6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.</p>	<p>Mitigation measures will be used to protect significant built heritage resources during construction. A Temporary Protection Plan and a Conservation strategy will be developed and implemented.</p> <p>An archaeological survey was completed for the subdivision. However, because there will be major excavation for the underground parking, if deeply buried archaeological</p>

	resources are discovered during excavation, all work will stop and a licensed archaeologist will be engaged in accordance with Section 48(1) of the <u>Ontario Heritage Act</u> to carry out additional archaeological field work. This survey will be completed before construction recommences.
7. Evaluate the existing condition of the character-defining elements to determine the appropriate intervention. Respect heritage value when undertaking an intervention.	A restoration, repair program/ conservation strategy will be undertaken by a qualified restoration architect, qualified landscape architect and a qualified restoration engineer to determine the existing condition of the character-defining elements and the appropriate intervention and to ensure the structural soundness of the buildings during construction of the underground parking and the hotel addition.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts where there are surviving prototypes.	Not applicable. Much of this work has been completed and the property is being well-maintained.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention.	<p>All interventions will be made to preserve character-defining elements and will be documented before the excavation for the underground parking area and construction of the new buildings commences. The existing character-defining structures on the site are already conserved and interventions have been completed or are under construction with the exception of a number of interior alterations to the existing house to accommodate hotel and restaurant facilities. Any interior interventions will be documented and may require a heritage permit.</p> <p>The new construction is, for the most part, discrete from the existing cultural heritage attributes. However, the new hotel building should be designed to be visually compatible in mass and scale with the existing resources though it should be clearly identifiable as a new addition to the site. Placement of the new building at a distance from the existing structures ensures that it will be identifiable</p>

	<p>as a separate and new structure. All interventions will be documented by a heritage architect, a landscape architect and a structural engineer with experience in heritage conservation.</p>
<p>10. Repair rather than replace character-defining elements.</p>	<p>This is not applicable to the existing built cultural heritage resources on the site because they have already been restored and/or relocated on the site and any alterations are completed.. Only character-defining elements of the cultural heritage landscape that are beyond saving will be replaced. Replacement will be in-kind using like materials as much as possible.</p>
<p>11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.</p>	<p>All new development will be located at the northeast corner and to the rear of the property. The new hotel additions will be physically and visually distinguishable from the historic place and will be located at a distance from the built cultural heritage resources on the property making them both physically and visually distinguishable from the historic buildings. However, development will have an impact on the picturesque landscape and views and vistas to and from the site.</p> <p>Currently the building, in design and placement, tends to dominate the site and the streetscape. The façade and west elevations of the new hotel structure at the northeast corner of the property makes use of a wall of windows creating a sense of transparency and lightness. However, type and colour of glass will be important and reflective glass should not be utilized. The restaurant on the fourth floor is set back behind the front face of the building in order to reduce the appearance of height and is also faced with windows.</p> <p>Consideration to breaking up the mass of the structure may assist in reducing its impact, provide for compatibility with the existing structures and ensure that views and vistas to and from the property are maintained and/or enhanced. The new building to the rear incorporates many of the same materials used in the coach house which faces</p>

	<p>Mississagua Street and will be hidden from view behind the coach house structure.</p> <p>The new buildings will be clearly distinguishable from the old.</p>
<p>12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.</p>	<p>All new buildings and/or additions will be separate structures. The essential form and integrity will not be impaired if the new hotel building and associated surface parking is removed at a later date.</p>

Alternative Development Scenarios, Mitigation and Conservation Methods

Alternative Development Scenarios

1. Do Nothing Approach

Over the past few years, the upper floor of the coach house was used as accommodation for the owner of the property. However, the main house and other structures on the property were vacant. The property, including the coach house was recently vacated. It has never functioned as a hotel which is the use originally intended for the property. Renovations undertaken over the years since the commercial zoning was approved ensure that the main house can no longer function as a home and maintenance of the property as a residence is no longer financially viable. Moving forward with the hotel conversion provides an adaptive reuse for the property and ensures its continued survival.

2. Alternate Site Plan and Design

An alternate site plan and design, particularly for the larger hotel addition at the northeast corner on the subdivision lots could be considered. If the new building were moved back from Queen Street and closer to the main house, the impact on the Queen Street streetscape would be less intense. However, the hotel would then be located entirely on the designated property and the impacts of a large new hotel building located close to the heritage house and in front of the greenhouse would have a much more damaging and negative impact on the built cultural heritage resources and heritage attributes on the property. It is also likely that underground parking will still be utilized and construction of the underground garage will still impact the cultural heritage landscape if it is constructed on the designated property rather than on the two subdivision lots.

Lowering the height of the new hotel building and reducing its size is also an option. However, economic viability would become an issue. Economic viability is not the purview of this heritage impact which deals only with issues related to heritage conservation and impacts on cultural heritage resources and heritage attributes.

3. The Proposed Site Plan and Design

The proposed hotels additions will have significant impacts on the streetscape of the Queen Street Summer Homes Character Area and on the cultural heritage landscape of the property at 228 Queen Street. While the new hotel building located at the corner of Queen and Simcoe Streets is both a large and tall structure, it will be located on the two subdivision lots adjacent to Peaceacres rather than on the designated property. It will be situated away from the main house

and joined to the house via a glass walkway that passes through the greenhouse. Built heritage attributes such as the greenhouse and the heritage house will not be physically impacted. Locating the majority of the parking underground allows space for the creation of landscape feature lost when construction commences; but impacts on the cultural heritage landscape remain.

Conclusion:

If the preferred option is Option 1 there will be no further impacts on the property as it exists today; but there will also be no further improvements to the site, which is currently vacant and underused and adaptive reuse as hotel unlikely to proceed because the proposed small hotel with limited guest suites is not financially viable. If the preferred option is Option 2, the impacts on the streetscape will be somewhat mitigated but the impacts on the built heritage attributes will be considerable and underground parking will still necessitate the loss of cultural heritage landscape features. If the preferred option is Option 3, then careful consideration should be given to the mass, height and scale of the new building at the corner of Simcoe and Queen Streets to ensure, as much as possible, compatibility with the existing buildings on the site, the neighbouring listed and designated properties in the vicinity and the cultural heritage landscape and streetscape.

Mitigation and Conservation Methods

Following are the mitigation and conservation recommendations for the proposed hotel additions with underground and surface parking.

1. An archaeological survey is required for all the properties subject of the planning application to ensure that any archaeological resources are properly identified and appropriate mitigation is completed as required. An archaeological survey was completed for the subdivision. However, if during excavation, deeply buried archaeological resources are uncovered, all construction will cease until an archaeological assessment is completed and resources on the site are either removed or protected.
2. Heritage Permits and the approval of Council are required for construction of the new hotel additions and underground parking that are located on the designated property and for relocation of the stone well. The building plans and site plan must be reviewed by planning and building staff at site plan stage when detailed designs are provided. The municipal heritage committee will also review the drawings, the site plan and the landscape plan to ensure compatibility with the existing structures on the property and the streetscape and area character and as a condition of the heritage permit approval.
3. Excavation on the site to accommodate a new building and underground parking will result in considerable disturbance on the property at 228 Queen Street. A Temporary Protection Plan will be developed in concert with members of the construction team, the project management team, a structural engineer with a background in heritage conservation, a heritage conservation architect, a heritage consultant and Town of Niagara-on-the-Lake staff to ensure that excavation and other construction work does not impact the significant

built heritage and cultural landscape resources. An example of a Temporary Protection Plan is attached and development of the site will not be undertaken until such time as the Temporary Protection Plan is completed and all parties have agreed to the process. **(APPENDIX VIII).**

4. A Conservation Strategy will be developed. As with the Temporary Protection Plan, it will be developed in concert with the project management team, a structural engineer with a background in heritage conservation, a heritage conservation architect, a heritage consultant and Town of Niagara-on-the-Lake staff and will be available for consideration at the time that the heritage permit application is submitted. The strategy will be specific to the existing heritage attributes and cultural heritage resources on the property and will include:
 - Documentation of both the interior and exterior features and character-defining elements of the building.
 - Assessment of the structural integrity of the existing structures on the site.
 - Balancing conservation of the character-defining elements with utility upgrades including plumbing, sprinkler systems and HVAC
 - Developing a plan and design for universal accessibility that has minimal impact on the buildings' heritage attributes
 - Working with the chief building official to ensure that the Building Code requirements are met with minimal impact on the character-defining elements of the building
 - Working with a qualified arborist to ensure the health and retention of the specimen trees and other picturesque landscape features.
 - Developing an ongoing maintenance program in order to avoid extensive repair or rehabilitation costs later
 - When considering new landscape design incorporating site planning and landscape design that respects the overall character of the site and the street.
 - Considering development of an interpretive plan for the property including documentation and signage for the site.
5. A commemoration plan should be developed that commemorates both the history and ownership of the property and the development of the Queen Street Summer Homes Character Area.
6. No board on board fencing should be installed on the site fronting Queen or Simcoe Streets. The existing metal fence should be retained.
7. The design and layout of the entrance from Queen Street with its central circular feature must be maintained.
8. Every effort should be made to conserve and enhance views and vistas to and from the property to conserve the character defining elements of the area.
9. Currently the hotel addition at the corner of Queen and Simcoe Streets, as designed and located, dominates the northeast corner of the property, blocking views and vistas to and from the street, particularly views from the east to west along Queen Street. The building is a large, rectangular structure, though extensive use of glass and the proposed location

of the building at a distance from the existing house minimizes visual and physical impacts on the house. A glassed structure on the fourth floor which houses the restaurant is set back behind the façade which reduces the appearance of height when compared to the existing house. Additional design decisions could be considered to ensure that the new building is compatible with the existing house.

10. Every effort should be made to conserve views and vistas on Queen and Simcoe Streets.
11. All mechanicals must be screened from the street.
12. The landscape design should enhance the existing picturesque landscape and should provide for the conservation and protection of existing healthy specimen trees if possible. An enhanced landscape plan is provided with this document. Additional trees have been added to the west of the new hotel building located at Queen and Simcoe Streets to further screen and mitigate views of the structure. A Tree Protection Plan has been developed. Where new vegetation is required, species complimentary to existing and historical vegetation types should be planted.
13. The existing house exhibits many Neo-classical details which were added by summer residents. Architectural details on the new hotel building should be minimized and simplified in order to ensure that, as much as possible, the architectural details of the Ketchum-Thomas-Phillips House retain their distinct character and the hotel additions are designed to be clearly distinguishable from the original house and greenhouse.
14. The designation by-law (3983-05) should be amended to reflect the Statement of Significance appended to this report. The heritage attributes associated with the by-law remain the same with the exception of the interior staircase.

Implementation and Monitoring

A Heritage Permit will be required before construction begins and detailed architectural and construction plans and a conservation plan must be provided at the site plan and heritage permit application stage. The proposed development will be assessed, reviewed and monitored by local and Regional agencies and by the MHC throughout the planning and building process. A detailed Temporary Protection Plan such as the example in Appendix VIII and the Conservation Strategy will ensure that the significant built heritage resources and the cultural heritage landscape setting is conserved.

The Temporary Protection Plan and the Conservation Strategy will be monitored by the professional consultants involved and by Town of Niagara-on-the-Lake staff to ensure that proper mitigation and protection is carried out during construction and that the picturesque landscape is appropriately protected and restored and the views and vistas are maintained to the greatest extent possible in order to conserve the character of the Queen Street Summer Homes Character Area and to protect and conserve and limit the impact of alterations on the designated and listed properties in the vicinity.

Conclusion and Conservation Recommendations

The PPS states that planning authorities shall not permit development and site alterations on adjacent lands and protected heritage property unless the development and site alterations have been evaluated and the heritage attributes of the property have been conserved.

The property at 228 Queen Street and a number of surrounding properties on the north side of Queen Street and the west side of Simcoe Street have been identified as significant cultural heritage resources and designated under Part IV of the OHA or listed on the Town's *Municipal Register of Properties of Cultural Heritage Value and Interest* as an acknowledgement of their significance to the history and architecture and cultural heritage landscapes of Old Town. Though the subject property is not in either the Queen-Picton Streets Heritage Conservation District or the National Heritage District it is, nonetheless, a significant site and is seen as an important gateway feature at the entrance to Old Town.

The property is also identified as a component site in the Queen Street Summer Homes Character Area. As such it displays a number of important characteristics of that area that are retained in the proposed development application including:

- A large houses on a large lot
- A deep front yard setback
- An open lawn, ornamental gardens and mature perimeter plantings
- A metal fence
- Outbuildings to the rear and side
- A predominance of architectural styles having Neo-Classical influences with large verandahs and columned front porticos
- Examples of secondary buildings and additions that harmonize with the main house in terms of materials, massing and location
- Associations with former uses and events such as American summer residents
- Panoramic views across golf course to Lake Ontario.

The Ketchum-Thomas- Phillips house has been the subject of a number of alterations and changes of use over the years. The house has been renovated to accommodate both residential and commercial uses and a new foundation has been added to ensure that the house is structurally sound and able to accommodate year round commercial uses. The screened porches or pavilions have been enclosed in glass, though their distinctive attributes, such as the Doric columns, have been conserved. The greenhouse and potting shed have been dismantled, restored, and moved to a new location on the east side of the house for future accommodation of hotel uses. The well has also been relocated to the front of the property and will be relocated on the property in a prominent location. A coach house has been constructed on Mississagua Street, changing the character of the street, and providing privacy and seclusion for the house, screening it from a busy entrance road. A pool house has been constructed at the rear of the lot in anticipation of construction of an in ground pool.

Construction of the new hotel addition to accommodate additional suites will have little or no impact on Queen Street west of Mississagua Street and minimal impact on views to and from the golf course and Lake Ontario. However, the new building will impact the significant streetscape, views and vistas on the northeast corner of Queen Street and Simcoe Street, which will, in turn, impact the views and vistas to and from designated and listed properties on Queen Street adjacent and east of 228 Queen Street. Physical impacts of this new building are confined to the two subdivision lots which are not designated. However, there are physical impacts on the picturesque landscape and any potential archaeological resources on the subject property.

Based on the analysis of the significant heritage attributes of this property and surrounding properties, the impact of the proposed hotel addition and underground parking development has been assessed. Significant built heritage resources adjacent or close to the proposed development will not be unduly or adversely physically impacted and significant built heritage resources and landscape features on the west side of the property will be conserved. Physical impacts will be confined to the two subdivision lots to the northeast and to certain landscape features and trees. Views and vistas to and from designated and listed properties on the east side of Queen Street will be impacted. Those on Simcoe Street to the south will not be impacted nor will cultural heritage resources on Johnson Street.

A Temporary Protection Plan and Conservation Strategy will ensure that the restoration, renovation and redevelopment processes are monitored in order to protect and maintain the cultural heritage resources on and adjacent to the site.

NOTE:

The information, recommendations and opinions in this heritage impact assessment are for the sole benefit of the Town of Niagara-on-the-Lake and the property owner. Any other use of this report by others without permission is prohibited. Unless otherwise stated, the recommendations and opinions given in this report are intended only for the guidance of the Town of Niagara-on-the-Lake and other approved users.

Please note that the policy review in this report is limited to information directly related to cultural heritage and is not a comprehensive planning review.

Prepared by



Leah D. Wallace, MA MCIP RPP CAHP
Consulting Heritage Planner

Appendices

Appendix I - Location Maps

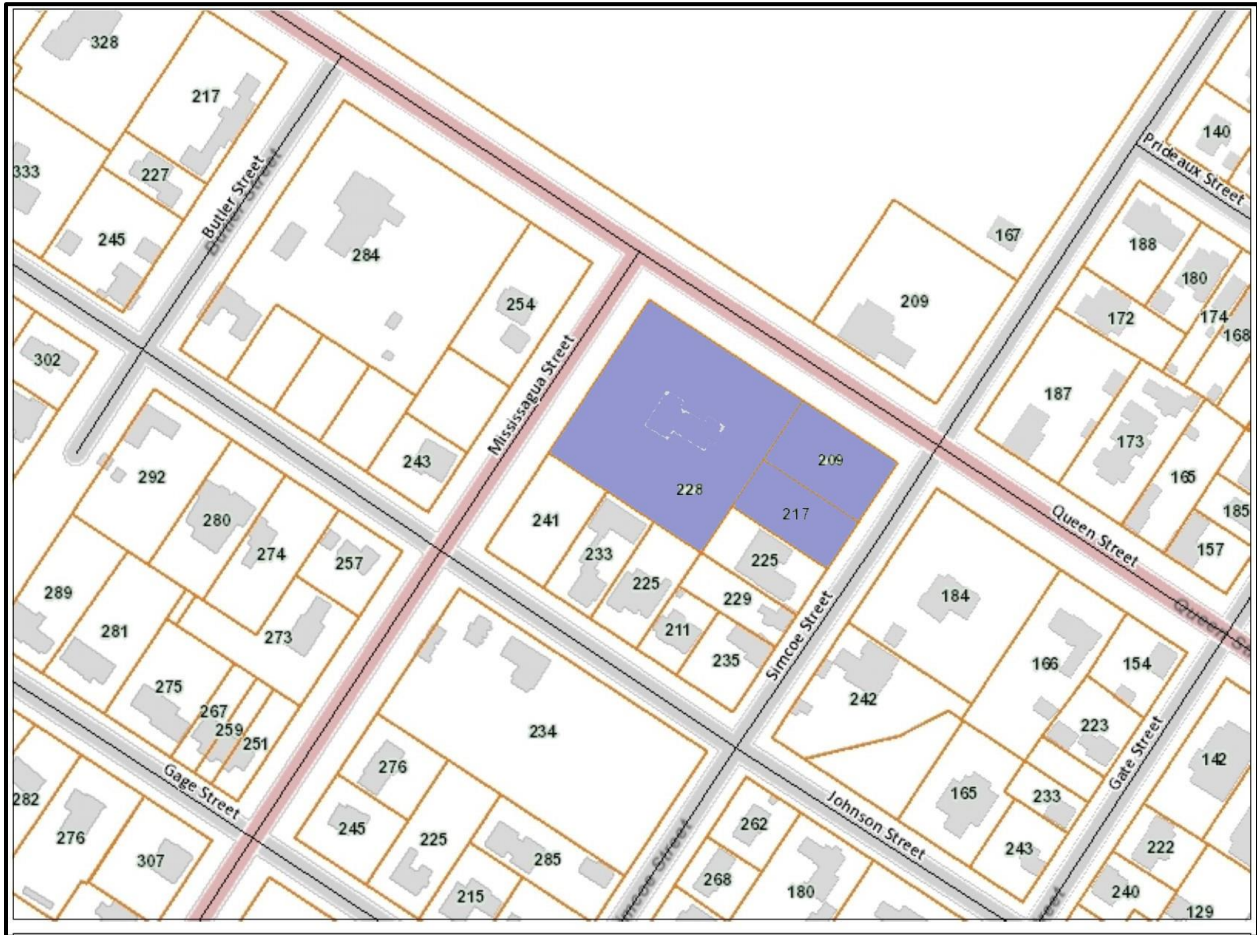


Figure 1: Subject Property

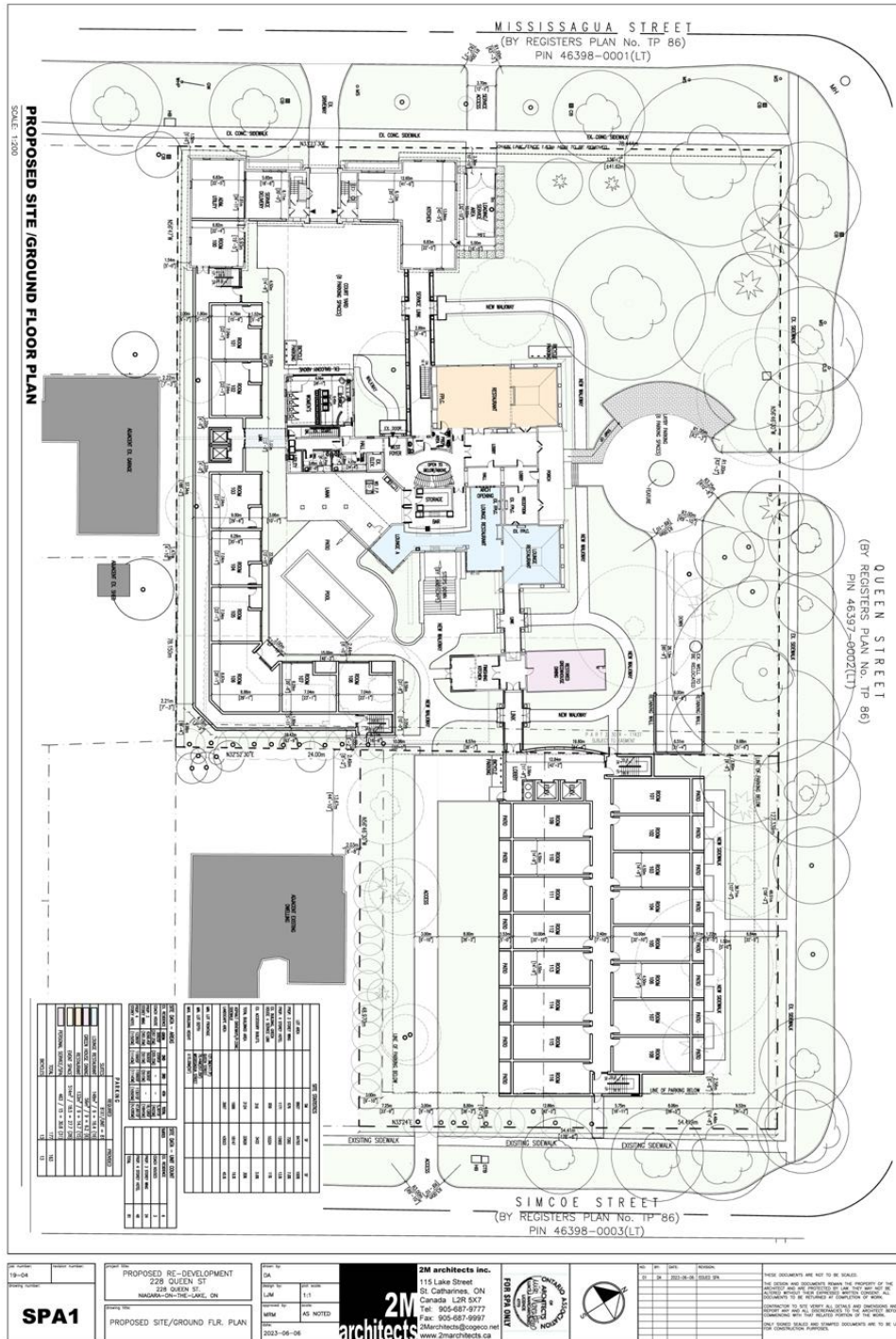


Figure 2: Properties Designated Under Part IV of the Ontario Heritage Act

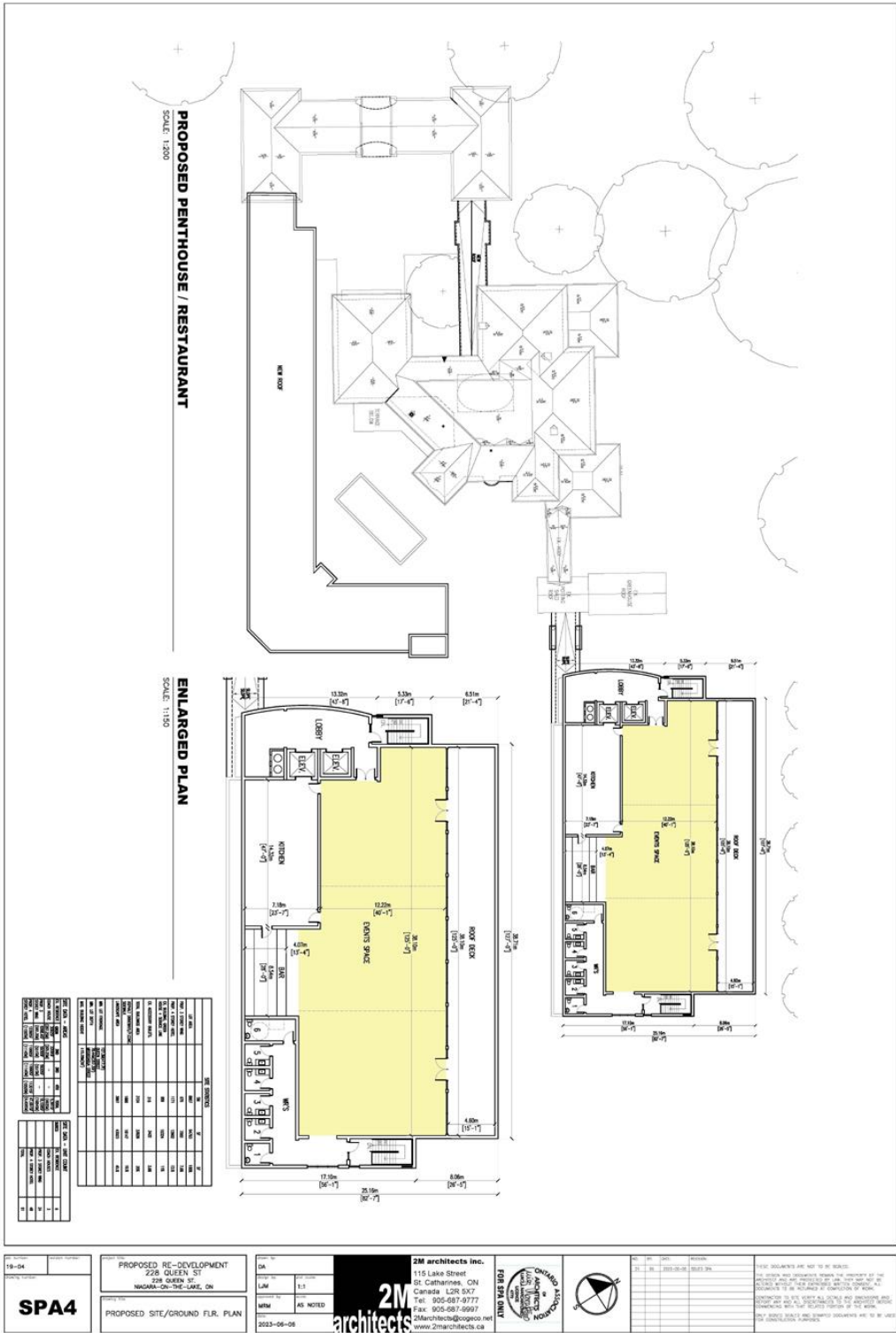


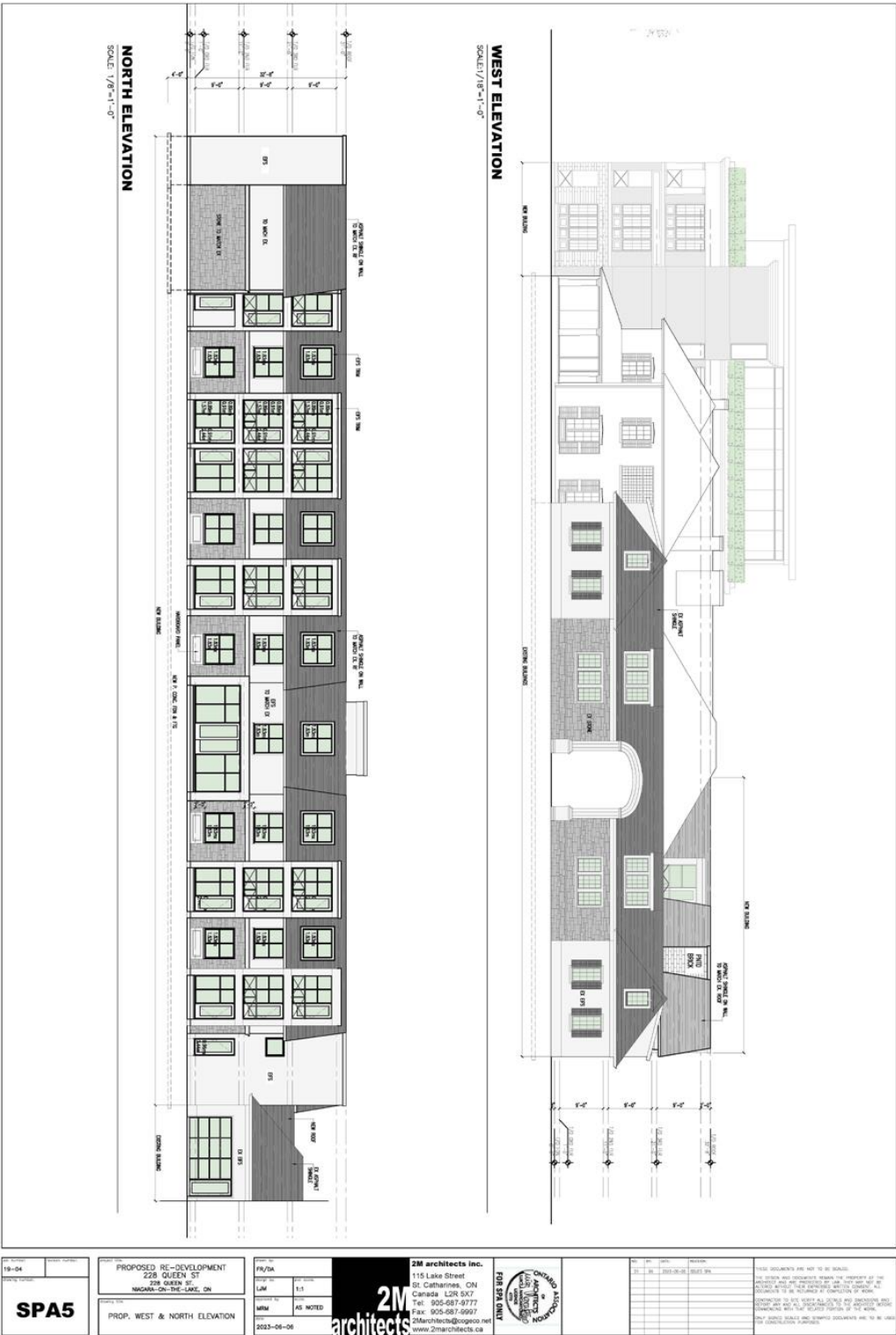
Figure 3: Non-designated Properties

Appendix II – Proposal and Streetscape Renderings









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PROPOSED RC-DEVELOPMENT
 228 QUEEN ST
 NIAGARA-ON-THE-LAKE, ON
 PROP. WEST & NORTH ELEVATION

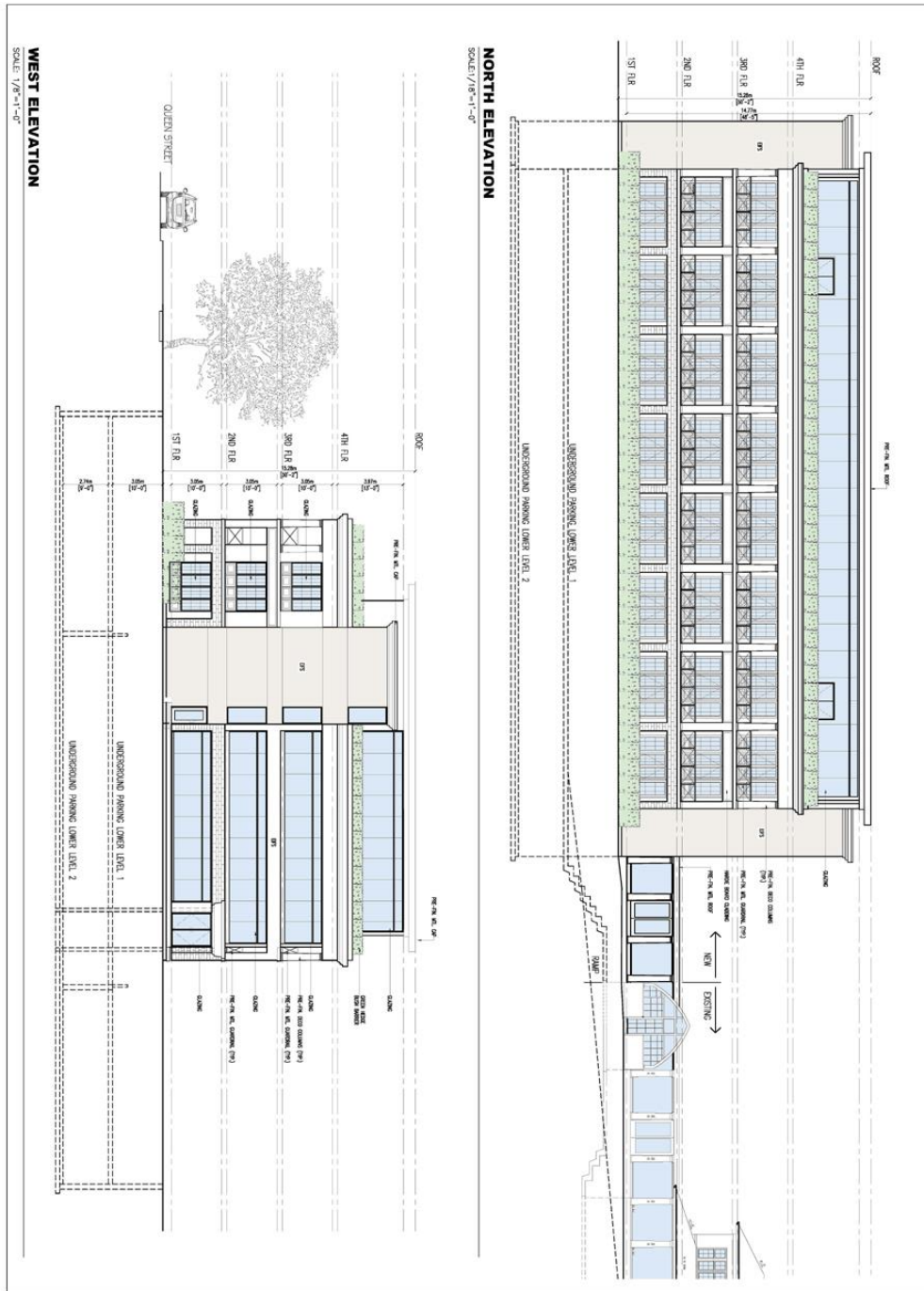
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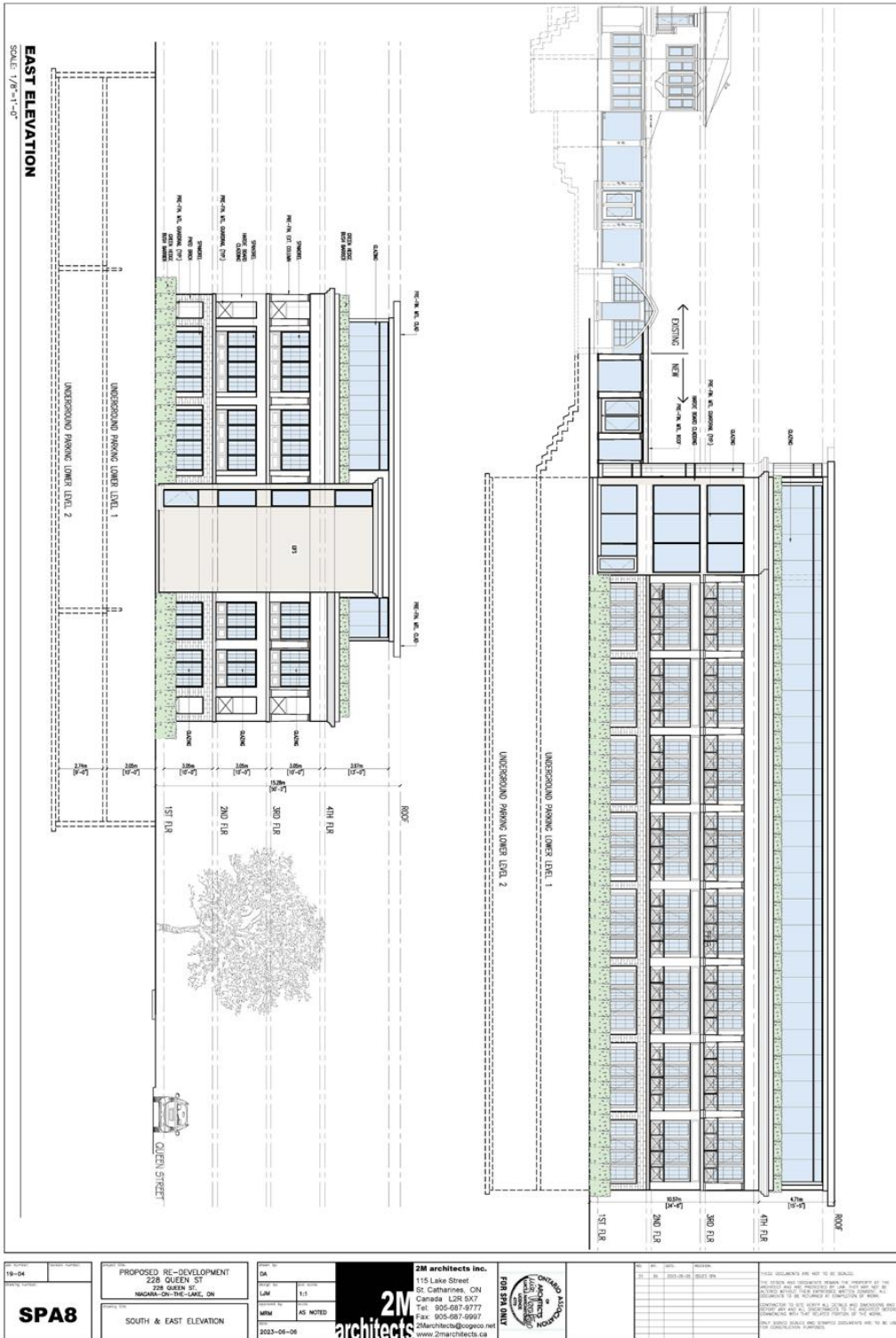


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19-04
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PROPOSED RE-DEVELOPMENT
 228 QUEEN ST
 NIAGARA-ON-THE-LAKE, ON
 SOUTH & EAST ELEVATION

DATE: 2023-06-06
 DRAWN BY: LHM
 CHECKED BY: MRM
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Appendix IV – Tree Protection Plan and Inventory



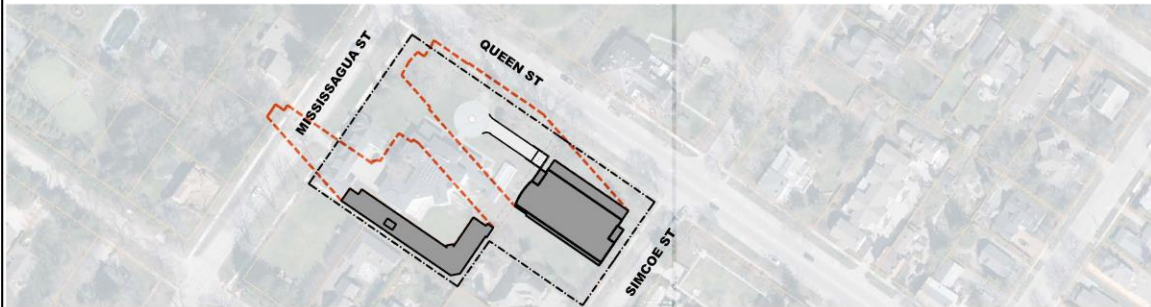
Appendix V - Shadow Study



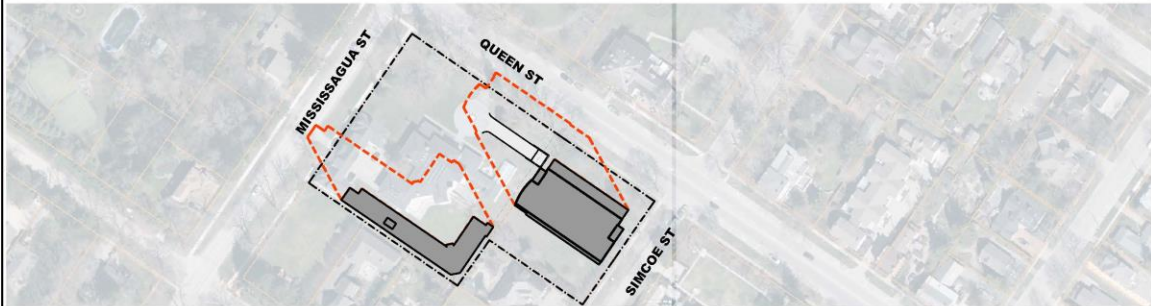
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			Design by: LJM			
			Approved by: MRM	AS NOTED		
			Date: MAR 06, 2023			



DEC 21 - 8:15AM (SN -4HR)



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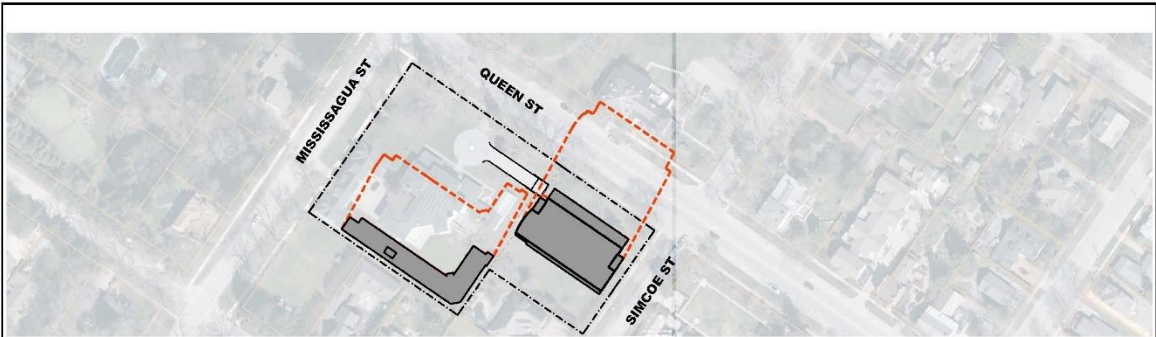


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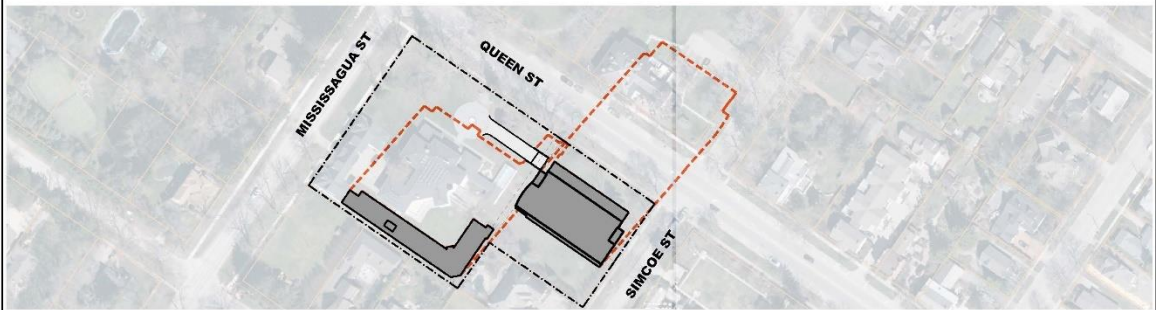
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Drawing Title: DEC 21 (SN -4, -3, -2)		Date: MAR 08, 2023	Checked by: AS NOTED			



Job Number: 19-04	Revision Number: 	Project Site: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	Check by: LM	Plot Scale: 1:1	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small>THESE DOCUMENTS ARE NOT TO BE SCALED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALIENED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCEMENT THAT RELATED PORTION OF THE WORK. ONLY SEENED, SCALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.</small>
Drawing Number: SK1.2	Project Title: DEC 21 (SN -1, SOLAR NOON, +1)	Date: MAR 06, 2023	Approved by: MRM	Notes: AS NOTED				



DEC 21 - 2:15PM (SN +2HR)



DEC 21 - 3:15PM (SN +3HR)



DEC 21 - 4:15PM (SN +4HR)

Job Number: 19-04 Drawing Number: SK1.3	Project Title: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		THESE DOCUMENTS ARE NOT TO BE SCALED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK. ONLY SEALS, SCALES AND SIGNED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.
		Scale: LJM 1:1 MRM AS NOTED			
Drawing Date: DEC 21 (SN +2, +3, +4)		Date: MAR 08, 2023			



JUN 21 - 6:15AM (SN -6HR)

JUN 21 - 7:15AM (SN -5HR)

Job Number: 19-04	Revision Number: 	Project Title: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small> THESE DOCUMENTS ARE NOT TO BE BOUND. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THE RELATED PORTION OF THE WORK. ONLY SEALS, SIGNED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES. </small>
Drawing Number: SK3.1		Drawing Title: JUN 21 (SN -6, -5)	Check scale: 1:1			
			Design by: LJM			
			Approved by: MRM	AS NOTED		
			Date: MAR 06, 2023			



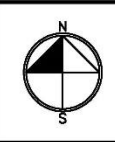
Job Number: 19-04
 Drawing Number: **SK3.2**

Project Site:
PROPOSED DEVELOPMENT
228 QUEEN STREET
N.O.T.L., ON

Drawing Date:
JUN 21 (SN -4, -3, -2)

Drawn by: **EH**
 Check by: **LJM**
 Scale: **1:1**
 Approved by: **MRM**
 Date: **AS NOTED**
 Date: **MAR 08, 2023**

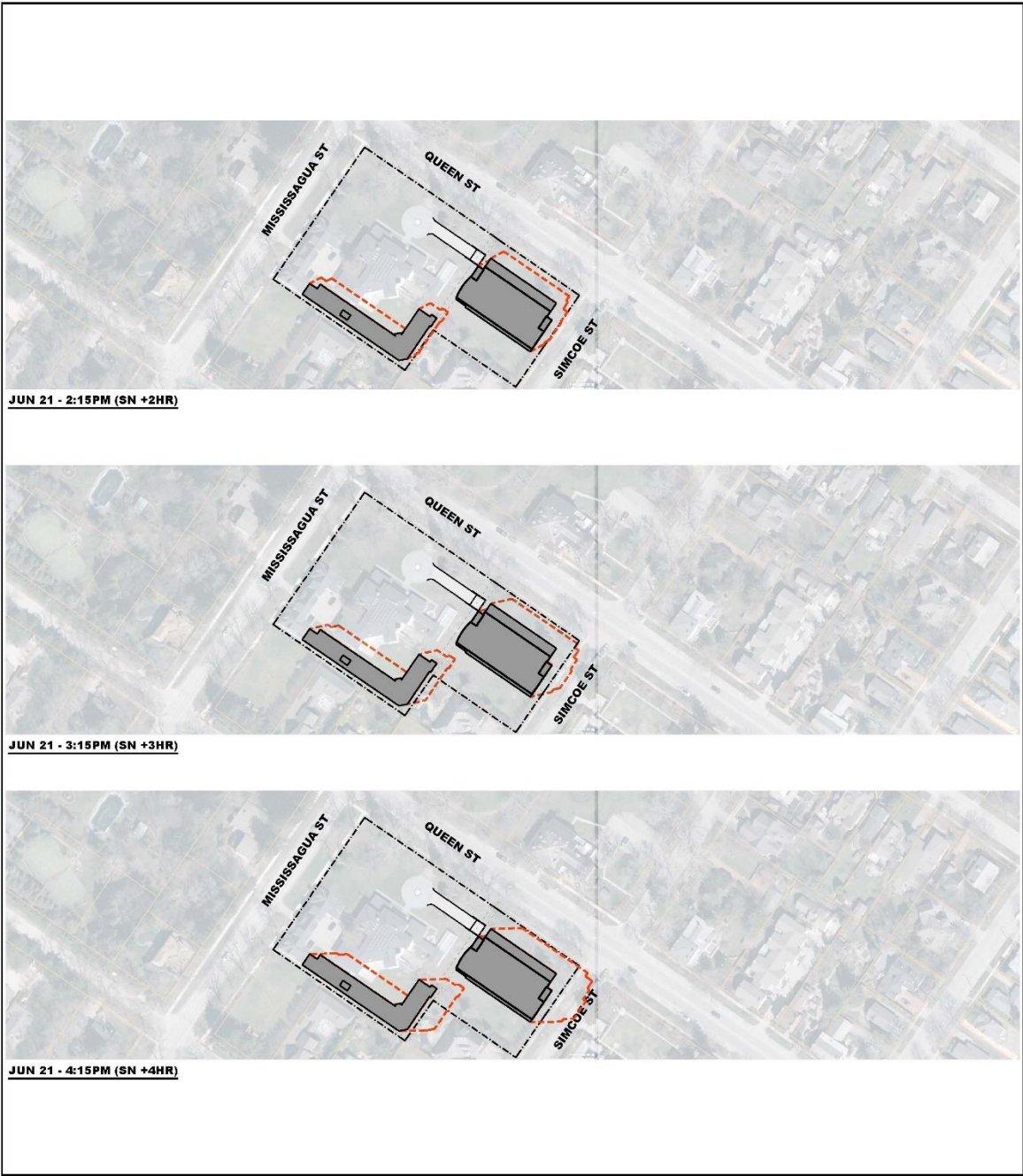
2M architects inc.
 115 Lake Street
 St. Catharines, ON
 Canada L2R 5X7
 Tel: 905-687-9777
 Fax: 905-687-9997
 2Marchitects@cogeco.net
 www.2marchitects.ca



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 CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH ANY RELATED PORTION OF THE WORK.
 ONLY SEALS, SIGNED AND DATED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.



Job Number: 19-04 Drawing Number: SK3.3	Project Title: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Sheet No: EN	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small> THESE DOCUMENTS ARE NOT TO BE SIGNED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE REPRODUCED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK. ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES. </small>
	Drawing Title: JUN 21 (SN -1, SOLAR NOON, +1)	Scale: L/M 1:1 M/RM AS NOTED			



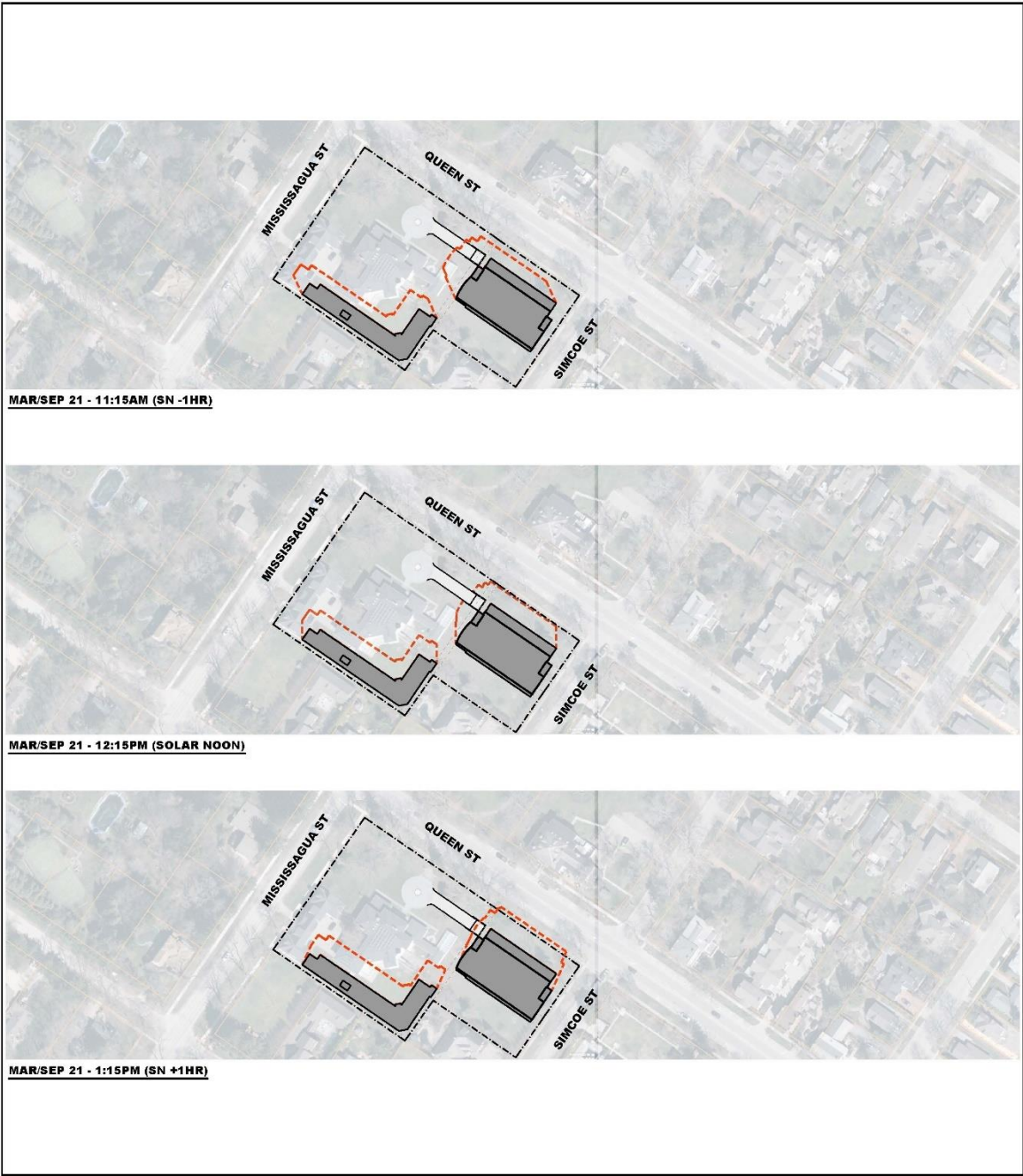
Job Number: 19-04	Project Name: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small> THESE DOCUMENTS ARE NOT TO BE SCALED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK. ONLY SEALS SEALED AND SIGNED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES. </small>
Drawing Number: SK3.4	Drawing Date: JUN 21 (SN +2, +3, +4)	Scale: LJM 1:1 MRM AS NOTED	Date: MAR 08, 2023		



Job Number: 19-04 Drawing Number: SK3.5	Project Title: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH Check by: LJM Approved by: MRM Date: MAR 08, 2023	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small> THESE DOCUMENTS ARE NOT TO BE SEALED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK. ONLY SEALS SEALED AND SIGNED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES. </small>
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Job Number: 18-04	Revision Number: 	Project Title: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small> THESE DOCUMENTS ARE NOT TO BE BOUND. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK. CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THE RELATED PORTION OF THE WORK. ONLY SEALS, SIGNS AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES. </small>
Drawing Number: SK2.1		Drawing Title: MAR/SEP 21 (SN -4, -3, -2)	Check by: LJM	Job Scale: 1:1		
			Approved by: MRM	Notes: AS NOTED		
			Date: MAR 06, 2023			



Job Number: 19-04	Project Name: PROPOSED DEVELOPMENT 228 QUEEN STREET N.O.T.L., ON	Drawn by: EH	2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9997 2Marchitects@cogeco.net www.2marchitects.ca		<small>THESE DOCUMENTS ARE NOT TO BE SIGNED. THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK.</small> <small>CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCEMENT WITH THAT RELATED PORTION OF THE WORK.</small> <small>ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.</small>
Drawing Number: SK2.2	Drawing Date: MAR/SEP 21 (SN -1, SOLAR NOON, +1)	Check by: LJM			
		Approved by: MRM	Date: AS NOTED		
		Date: MAR 08, 2023			

Appendix VI – Designation By-laws



An agency of the Government of Ontario



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Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.



277

Department of Planning
& Development Services
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301

The Town of Niagara-On-The-Lake

1593 FOUR MILE CREEK ROAD
P.O. BOX 100
VIRGIL, ONTARIO
LOS 1T0

Rec'd Oct. 31/05

October 28, 2005

The Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

REGISTERED MAIL

**RE: 228 Queen Street, The Ketchum-Thomas-Phillips House
Notice of Passing of By-law No.3983-05
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6) (a) (ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18, please find enclosed a copy of:

By-law No.3983-05, being a by-law to designate 228 Queen Street.

Sincerely yours

Holly Dowd.

Holly Dowd
Town Clerk

Enc.

*✓ 11/15/05
RQ*

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 3983-05
(228 Queen Street, Roll No. 262701000500100)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE KETCHUM-THOMAS-PHILLIPS HOUSE (PEACE ACRES), 228 QUEEN STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Ketchum-Thomas-Phillips House (Peace Acres) at 228 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Trust, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;


AND WHEREAS the reasons for designation are set out in Schedule 'B' hereto;
AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the Ketchum-Thomas-Phillips House (Peace Acres) at 228 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 11TH DAY OF OCTOBER 2005.


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

SCHEDULE "A"

228 QUEEN STREET – HERITAGE DESIGNATION

Lots 73- 74, 95 and Part Lot 96 Township Plan 86 Niagara, being Parts 1, 2 and 3 on 30R-11437 Except 30M-344; S/T Easement over Part 3 on 30R-11492 as in NR65741; Niagara

PIN 46398-0114 (LT)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The Ketchum-Thomas-Phillips House (Peace Acres), c.1876-1904 – Lot 74, Plan 86, Niagara-on-the-Lake

The Ketchum-Thomas-Phillips House (Peace Acres) is recommended for designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest.

The building and ground represent a significant example of the type of elegant summer properties constructed by wealthy Americans who spent their summers in Niagara-on-the-Lake during the heyday of the grand summer estates that sprang up in the Town in the late 19th and early 20th centuries.

The property is associated with a number of prominent early citizens of the Town including William Jarvis, Provincial Secretary and Registrar in Lieutenant Governor John Graves Simcoe's government, William McKean and John McEwen, prominent Niagara merchants and Robert Dickson, son of the Honourable William Dickson.

The property is also associated with a number of wealthy Americans from the Buffalo area including Watts Sherman Lansing whose father, General Henry Lansing, owned Randwood; Edwin Thomas who was a prominent manufacturer of early cars including the Thomas Flyer, which won the New York to Paris race in 1908, and G.F. Phillips, a Buffalo attorney whose family owned and maintained the property as their summer home for 47 years.

Architecturally the building epitomizes the American summer estate residence of the type constructed in Niagara-on-the-Lake during the resort era at the end of the nineteenth century and the beginning of the twentieth century before the advent of mass automobile travel, when wealthy visitors came to Town for the summer bringing their extended families, friends and servants.

Stylistically, the building is a amalgamation of a number of revival styles including neo-Classical Revival and neo-Greek Revival with generous, light filled reception rooms, spacious bedrooms, screened porches, open loggias of symmetrical arrangement and a multiplicity of fireplaces, columns and trims. Over the years various owners have renovated and added to the house but have always maintained and enhanced the look and character of the house as a fine building constructed to be a summer home.

The landscape setting, including the greenhouse and the specimen trees located throughout the property is an integral defining element of the property marking it as one of the few remaining significant summer estates in Niagara-on-the-Lake.

Site

The property is on the southwest corner of Queen and Mississauga Streets. The building is situated on a slight rise in the centre of a relatively flat, elaborately landscaped lot of approximately 1 acre. Originally the property took up almost the entire block but is now surrounded on the Simcoe and Johnson Street sides by a recently approved 7 lot subdivision.

Historical Background

Originally the land bounded by Queen, Mississagua, Johnson and Simcoe Streets was divided into four separate one acre lots. These were granted by the Crown in 1801 to four different landowners; Lot 73 to Samuel Peters Jarvis, lot 74 to James Haddick, lot 95 to William Birdseye Peters and lot 96 to William Jarvis, Provincial Secretary and Registrar in Lieutenant Governor John Graves Simcoe's government. William Jarvis was the father of Samuel Peters Jarvis and the brother-in-law of William Birdseye Peters.

By 1817, the still undeveloped lots were no longer separately owned. In August of that year, William McKean and John McEwen, prominent Niagara merchants who reported heavy losses during the War of 1812-14, mortgaged the 4 acres to Montreal merchants John Forsyth and John Richardson. By 1820, the lots were owned by J.D. McKay and were not subdivided until 1824 when Robert Dickson, son of the Honourable William Dickson, bought ½ acre of lot 96 fronting on Simcoe Street. In 1828 he subdivided his ½ acre and then sold 1/8 acre parcels to each of three Irish craftsmen; Patrick Fagan, stone cutter, John Cleland, carpenter and Michael Morley, mason. The three men built houses along Simcoe Street commencing at the Johnson Street corner. Two of these buildings remain and both are designated under Part IV of the Ontario Heritage Act. Mr. Phillips Sr. reincorporated the lot owned by Fagan, now known as 229 Simcoe Street, into the estate property in 1956.

Parts of the property, particularly on lots 73 and 74, were severed throughout the nineteenth century. These lots were gradually reabsorbed into the larger property until the entire property comprising lots 73, 74, 95 and 96 was finally reassembled under the ownership of Mary and George Ketchum.

The Ketchums, who were from Buffalo, owned the property from 1876 until 1879. Their purchase of the estate coincided with the beginning of a period of prosperity based on tourism fostered mainly by American summer visitors and residents. It is most probable that the core of the house was built by the Ketchums as indicated by the steady increase in tax assessments between 1876 and 1878 when the house was finished. Records indicate that the Ketchums were unable to pay John Ellison, their contractor, and sold the property to Henry Seton Strathy in order to settle their debts.

There were two owners between 1879 and 1887 when the estate was sold to Watts Sherman Lansing who owned the property until 1894.

Mr. Lansing had spent summers in Niagara since c.1874 when his father, General Henry Lansing, purchased Randwood on John Street. Intending to live permanently in the Town, Watts Lansing sold the property at 228 Queen Street to Andrew Findlay of Kansas City in order to build another grand house on his 4 acre block across Mississagua Street.

The Findlay family owned the estate for 10 years until 1904. Mr. Findlay died in 1899 and Mrs. Findlay, apparently in need of cash after her husband's death, sold off parts of lot 73, 74, 95 and 96 to various people including Alice Garret, wife of Henry A. Garret, who lived in the little house at 229 Simcoe Street. Mrs. Findlay's daughter purchased the house when her mother died in 1902. She in turn sold the land and building to Edwin and Flora Thomas

The Thomas brought a period of stability to the estate. They owned the property for 16 years (1904-1920) and, as a local newspaper article indicates, they had plans for remodelling both the inside and outside of the house. It is possible that many of the neo-Classical Revival and neo-Greek Revival details found on and in the house today can be attributed to them.

Mr. Thomas owned and operated a successful bicycle manufacturing business in Buffalo. In the early 1900's he turned his interest to the manufacture of automobiles. His 1908 Thomas Flyer won the New York to Paris Race. Society pages of the era recorded the annual comings and goings of the family including their arrivals in June and departures in October, the engagement of their daughter and the docking of their yacht, the Butterfly, at Rousseau's wharf in July 1908.

In 1920, the Thomas' daughter, [REDACTED], bought the estate. She and her husband named it Peace Acres and made some improvements to the property. [REDACTED] died suddenly in 1925 and the property was sold to [REDACTED] of Tonawanda who owned the estate for 30 years until it was sold to [REDACTED] of Buffalo.

The [REDACTED] family owned the property for 47 years until 2002 and during that time were careful stewards of the estate, meticulously attending to both the grounds and the house. Since acquiring the estate in 2002, the new owner has developed a small subdivision on the property facing Simcoe and Johnson Street. The house has been retained on a generous lot of approximately 1.5 acres in keeping with its size, elegance and historical setting as one of the important summer homes built by prominent Americans at the turn of the 20th century.

Architectural Description

The Lansing-Thomas-Phillips House is essentially a two storey, hip roofed, 3 bay building of symmetrical design with a stucco finish, an elaborate centre entrance, a curious Palladian window above and two open loggias supported by Doric columns. Stylistically, the structure is neo-Classical Revival with a strong neo-Greek Revival influence that gives it a distinctly turn of the 20th century appearance.

The structure appears to be wood frame and the external stucco finish, which is smooth and without imitation ashlar jointing, may have replaced an earlier roughcast finish.

It appears that later owners made over and expanded the house beyond recognition in the early twentieth century. The original building may have been the T-shaped structure. It is this area, including the full basement in the wing and part basement and partially excavated crawlspace that is reputed to have been owned and built by Mary and George Ketchum who acquired the property in 1876.

The late 19th and early 20th century owners, including the Lansings, Findlays and the Thomas, who were all Americans, appear to have imported all kinds of historic, and probably authentic, period detail from other historic buildings to incorporate into their new summer home. The entrance doorcase may be one instance. The nine-panelled door reflects the design of the reveals, but the doorcase seems to be forced into an opening made for another traditional composition. Even more remarkable is the curious Palladian window above the entrance with its centre light with a six pane sash with very fine muntins in a Greek Revival proportion surmounted by an odd multi-paned parabolic upper sash with square muntins which more probably dates from c.1895-1905 and is Queen Anne Revival in style. The other example is the entrance from the west loggia which has a highly ornamental doorcase with fanlight, fan-patterned transom shelf and fluted Roman Doric colonettes to the side. It most probably occupied or was intended for a recessed opening at one time or it could have been made for use elsewhere. The pedimented exterior trim, which appears to be a later improvement, attempts to unify this conglomerate of architectural features.

The grand entrance opens into generously proportioned centre hall with staircase flanked by reception rooms on both sides. The one to the east (left) is a smaller room which serves as an intimate panelled library with back-to-back fireplaces. The room on the west runs the full depth of the house and has a beamed ceiling, two graceful arches and two fireplaces including a massive fireplace with built in seating on both sides. The set of French doors under the arch at the front end of the room lead to the west loggia while the front doors lead to the paved terrace that extends across the front of the house.

The room situated behind the library on the east side of the house is also a large room and was most likely used for parties and dances. It is almost entirely glazed with alcoves set off by columns on pedestals and a polished hardwood floor. The fireplace in this room is in the highly ornamented neo-Classical Revival style with strangely proportion colonettes and a centre plaque depicting a classically inspired urn.

The wing tails off into a series of domestic offices and a modern kitchen and family room area with a servants' back stair leading to a passage with small bedrooms above. The second floor of the main house contains a set of generously sized bedrooms with large bathrooms containing some beautiful early twentieth century tile work and early fixtures. The bedrooms in this area all have fireplaces with mantels and surrounds of simple neo-Classical Revival design.

Generally, the detail of the house is elaborate and varied with many mantelpieces of different designs, colonetted and pilastered with moulded surrounds and all of neo-Classical inspiration. The trim is of variable design also. There are even interpretations of a Greek Revival symmetrical pilaster trim with corner blocks. All doors are 4-panel, recessed moulded on both sides with conventional but traditional construction with through tenons.

This building, with its stylistic multiplicity, epitomizes the American summer residence of the type constructed in Niagara-on-the-Lake during the resort era at the end of the 19th century and the beginning of the 20th century when prosperous families came to Town complete with adults and children and a small contingent of domestic staff and stayed for the entire summer. The house was never intended to be a year round residence, though there might be the occasional holiday excursions at Christmas, New Years or Easter.

Landscape

An important and integral feature of the property is the spacious setting with its mature trees, some of considerable historical significance, and the picturesque greenhouse.

The greenhouse, which is a separate building with an attached glass house, is an attractive addition to the setting. It has a notable bracketed entrance and an expansive glass house of Victorian/Edwardian design and proportions. A round stone well with fanciful wrought iron decoration stands in front of this structure.

The addendum to the Arborist's report, prepared in 2003, makes particular note of a number of significant and, in some cases, rare specimen trees including White Ash, Red Elm, Turkish Filbert, Red Oak and European Beech. In summary, the report states that, "the site contains several notable trees, which in the opinion of the Arborist are worthwhile saving/protecting. The historical significance of some of the larger specimens suggests that great attempts should be made to preserve them, and any development plans should include this fact and specifications for their protection."

page 5 – Schedule "B"

The existing iron fence, while it is not particularly old or decorative, is appropriate to the style of the house and the design of the grounds. It permits both the pedestrian and the motorist to catch glimpses of the house through the trees, hedges and vines and adds to the picturesque nature of the property.

In general, the house and grounds are excellent examples of neo- Classical Revival architecture and the Picturesque ideas of landscape design that characterized country estates and summer homes in Canada and the United States in the late nineteenth century and the early twentieth century.

Designation

This designation applies to the lands, and more particularly to the formal Picturesque landscape, including some of the more significant specimen trees and the greenhouse and well; the entire exterior of the dwelling including the entrance door and Palladian window and the interior trim and fireplaces but excluding the trim, panelling and fireplace in the library, the main interior staircase and the large fireplace in the "billiard room" to the right of the entrance hall.



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

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Office of the Town Clerk
TELEPHONE (905) 468-3266
FACSIMILE (905) 468-2959

The Town of
Niagara-On-The-Lake

1593 CREEK ROAD
P.O. BOX 100
VIRGIL, ONTARIO
LOS ITO

February 9, 1999

Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario, M5C 1J3

REGISTERED MAIL

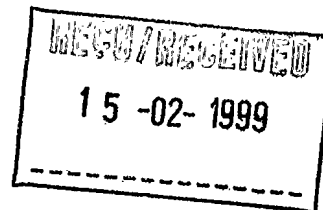
**RE: 157 QUEEN STREET
NOTICE OF PASSING OF BY-LAW NO. 3318-99
ONTARIO HERITAGE ACT, PART IV**

Pursuant to the provisions of Section 29 (6) (a) (ii) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, please find enclosed a copy of By-law No. 3318-99, being a by-law to designate 157 Queen Street under Part IV of the Act.

Yours truly,

Robert G. Howse
Town Clerk

RO1: 157 Queen Street



THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 3318-99

(157 Queen Street)
(Roll No. 26-27-010-004-044)

A BY-LAW to designate the property known municipally as the Rogers-Blake-Harrison House, 157 Queen Street, in the Town of Niagara-on-the-Lake, in the Province of Ontario, as being of architectural and historical value and interest.

WHEREAS 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 real property, including all buildings and structures thereon, to be of architectural or historic value or interest; and

WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Rogers-Blake-Harrison House at 157 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality; and

WHEREAS the reasons for designation are set out in Schedule 'B' hereto; and

WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality;

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of architectural and historical value and interest the real property known as the Rogers-Blake-Harrison House at 157 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto in the proper land registry office.
3. The Clerk is hereby authorized to cause a copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation in the municipality.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 8TH DAY OF FEBRUARY, 1999.


LORD MAYOR ART T. VIOLA


TOWN CLERK R. G. HOWSE

SCHEDULE 'A'

DESCRIPTION:

Rogers-Blake-Harrison House
157 Queen Street, Niagara-on-the-Lake

Part of Lot 52, as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, formerly Town of Niagara, County of Lincoln, now Town of Niagara-on-the-Lake, Regional Municipality of Niagara, more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of Gate Street with the northerly boundary of Queen Street;

THENCE North 34 degrees and 44 minutes East in the westerly boundary of Gate Street, 75.6 feet;

THENCE North 55 degrees and 28 minutes West, 105.6 feet to a point in the line between Lots 52 and 51;

THENCE South 34 degrees and 44 minutes West in the said last mentioned boundary, 75.6 feet to a point in the northerly boundary of Queen Street;

THENCE South 55 degrees and 28 minutes East in the said last mentioned boundary, 105.6 feet more or less to the place of beginning.

TOGETHER WITH the right and privilege of the owner or owners for the time being of the herein land to enter upon, from time to time, the following part of Lot 51 according to said Plan No. 86, namely:

COMMENCING at a point in the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51;

THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet;

THENCE North 55 degrees and 28 minutes West, 8 feet;

THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid;

THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purposes of repairing, maintaining and improving the existing dwelling house erected on the herein lands until the said dwelling house is removed or destroyed by fire or otherwise.

Being the land previously described in Instrument No. 693380 (1995).

SCHEDULE 'B'

REASONS FOR DESIGNATION:

Rogers-Blake-Harrison House
157 Queen Street, Niagara-on-the-Lake

The Rogers-Blake-Harrison House at the north-west corner of Queen and Gate Streets is recommended for designation for architectural and historical reasons. Erected in 1817 by James Rogers to replace an early house burned in 1813, this neo-Classical style building is one of Niagara's finer post-War of 1812 residences. Until 1995 it was the home of the [REDACTED] and their descendants [REDACTED], prominent members of the community.

According to family history this land was settled and a house was built c.1790 by the A. C. Smith family from Scotland. James and Mary Rogers arrived in Upper Canada from Ireland in 1806 and purchased the ½ acre lot and nearby property. As the early residence was being burned by the retreating Americans in December 1813, Mary is said to have saved the parlour/living room mantelpiece which was then built into the new structure. James Rogers completed his large house in 1817, at times operating a hotel and the Niagara Coffee House in it, as well as a shaving and hairdressing business in the bar room. Their son Alexander's widow Agnes continued to operate the hotel and undertook renovations c.1823 after receiving compensation for war losses. At different periods during the 1820s the coffee house was run by Charles Koune, L. Carroll and Robert Gray.

The Rogers family received the Crown patent for Lot 52 in 1830 and five years later John Rogers obtained title to the property. The oldest son of Agnes and Alexander, John was a prosperous merchant who served as Town Clerk (1856-1880), a member of the Niagara Fire Company and the St. Andrews Church treasurer for 46 years. In 1833 Rogers and his brother-in-law John Blake built a three storey building on the east side of the lot, adjacent to the Rogers family home, to accommodate their large forwarding business. This building, which apparently replaced a store built in 1819, was the largest of its kind in Niagara for several decades and was eventually torn down c.1905.

Blake's widow, Mary Ann Rogers, moved back into her family home in 1835. Her son John A. Blake owned several local businesses including the Niagara Oak Leather Tannery in the Dock area and in the 1860s he travelled extensively in the American west with the United States Indian affairs department. At the turn of the century a court order left Herbert R. Blake in possession of the lot which later passed to his sisters Annie M., Gertrude L. and Mary Ada Blake Davidson who, in 1904, disposed of the parcel now known as 177 Gate Street. Annie organized the St. Andrews Church youth group and was married to William H. Harrison, founder of a local hardware and building supply company, who served on Town Council for twenty years, including eight years as Lord Mayor.

In the 1950s the property was divided among their sons [REDACTED]. Later the 185 Gate Street parcel was severed [REDACTED] became the sole owners of the existing 157 Queen Street property. It passed to their son [REDACTED] who in 1995 sold it to the current owners, [REDACTED].

This two storey dwelling sits on the west side of the lot and, at the front, encroaches on Town property. While exhibiting a considerable complement of early detail, it has evolved from the original and demonstrates earlier and later changes of varying impact. In 1995 the house was extensively renovated and a rear, one storey addition was constructed.

The present house has an unusual front of six bays, the even number of openings resulting in an off-centre entrance. The original house was likely the two storey main block 45' long by 24' deep, with a lean-to kitchen wing off the east end removed c.1835 and replaced with the two storey rear addition.

The main section has a medium gable roof (replaced in 1995) with a shed roof over the c.1835 addition, two side brick chimneys with single stacks (reconstructed in 1998) and wide sloped eaves and plain boxed verges which likely replaced the original eaves returns and built-in-cornice gutter detail. The exterior finish is now smooth stucco (1995). Vestiges of ¾ bead corner boards also survive and a wood starter board is still in place. The ten front windows have all been resashed, the originals had a 12/12 pattern of 8" x 10" glass; the 12/12 sash with very fine muntins and quite narrow meeting rails survive in the three first floor windows at the rear of the building. The entrance doorcase appears to be intact but window architraves are relatively simple with beaded interior edges to some, plain in others. Notable exterior detail includes the main entrance including the shaped transom with multiple lights, sidelights and six panel entrance door. The structure is basically a heavy timber frame of the barn type, long timbers hewn, the rest straight sawn, with heavy intermediate studding. Floors have primary supporting members dividing the structure into joist panels. The roof is a plain rafter system. Wall framing is braced from main posts as viewed at the rear, presumably this also occurs at corners.

The interior detail is representative of the finer houses of the Town, the Rogers having been one of the earliest families to live there, including a fine staircase, trim of delicate profile and four elaborate mantelpieces, including one of almost Baroque Germanic convolution and one fireplace with alcoves arched at the top beside it. The main floor fireplace mantels include one with symmetrical pilaster trim and the other with arched alcoves and delicate cove and bead backmould to the trim. The original window and door trim is finished with ovolo/bead/fillet and ¾ corner bead trim in the downstairs rooms and fillet/cove/ovolo/bead/fillet trim in the upper rooms. Baseboard on the main floor features an fillet/bead/cove/fillet/ovolo design.

The first floor arrangement includes four main rooms on first floor, the dining room, parlour/living room, kitchen and family room, along with the front hall/stairs/bathroom and rear hall/laundry room/pantry. The entrance hall is almost intact except for revisions to the trim of the parlour/living room doorway and a new partition and rehangng of the old back doors at the end of the hall to accommodate the new washroom. The dining room is perhaps the most original with its beautifully trimmed alcove to accommodate a sideboard, but an entrance was cut to the kitchen through the west cupboard opening.

In 1995 the second floor was altered to create four bedrooms, all with bathrooms, and one lounge, along with the hall/stairs. The south-west/Rogers bedroom has a fireplace and an early if not original closet alongside the chimney breast. The north-east/Harrison suite has an old closet with peg rails and closely spaced turned wooden clothes pegs within, possibly part of the c.1835 alterations.

Significant interior detail includes the following:

first floor - dining room, parlour/living room, family room, kitchen, front hall/stairs, rear hall/pantry/laundry, including features such as horsehair plaster ceilings and walls, pine floors, pine baseboards, doors and windows including trim, carpenter iron box locks, ironwork and door hardware; parlour/living room fireplace, door with trim; dining room fireplace, alcove with trim, door with trim, pine floor; six panel bathroom door; six panel kitchen/hall door; three 12/12 windows at the north wall; family room/back hall door with hardware/thumb latch

second floor - Blake bedroom mantel, door with trim and hardware (box lock); Rogers bedroom mantel/fireplace; Harrison suite floors, doors.

This designation applies to the lands and more particularly the entire exterior facade and structure of the house and the significant interior detail as noted above. All bathrooms and the 1995 addition and alterations to the main section of the house such as the new stucco, roof, windows, openings and partitions are excluded from the designation.



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.



REGISTERED MAIL
AUG 07 2003

Department of Planning
& Development Services
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301

The Town of Niagara-On-The-Lake

1593 CREEK ROAD
P.O. Box 100
VIRGIL, ONTARIO
LOS 1T0

August 6, 2003

The Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

REGISTERED MAIL

**RE: 165 Queen Street, 507 Butler Street and 235 Simcoe Street
Notice of Passing of By-law Nos. 3722-03, 3723-03, 3724-03
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6)(a)(ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18, please find enclosed copies of:

By-law No. 3722-03, being a by-law to designate 165 Queen Street
By-law No. 3723-03, being a by-law to designate 507 Butler Street
By-law No. 3724-03, being a by-law to designate 235 Simcoe Street

Sincerely yours

Holly Dowd
Clerk

Enc.

REGISTERED MAIL
AUG 07 2003

✓ 1/20/03
RR

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 3722-03
(Roll No. 26-27-010-004-043)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE MCDUGAL-HARRISON HOUSE, 165 QUEEN STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the McDougal-Harrison House at 165 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

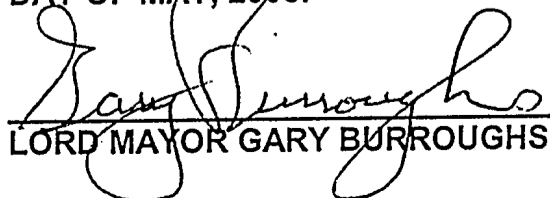
AND WHEREAS the reasons for designation are set out in Schedule 'B' attached hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the McDougal-Harrison House at 165 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 12th
DAY OF MAY, 2003.


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

4

**SCHEDULE A
BY-LAW 3722-03
165 QUEEN STREET DESIGNATION BY-LAW**

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, (formerly in the Town of Niagara, in the County of Lincoln) and Province of Ontario, and being composed of part of Lots 51 and 46 as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, more particularly described as follows:

COMMENCING at a point in the Northerly boundary of Queen Street distant therein North 55 degrees and 28 minutes west, 105.6 feet from the Westerly boundary of Gate Street which said point is the most Southerly angle of Lot 51;

THENCE North 55 degrees and 28 minutes West in the Northerly boundary of Queen Street, 72.12 feet;

THENCE North 34 degrees and 51 minutes East, 214.78 feet;

THENCE South 53 degrees and 55 minutes East, 71.2 feet to a point in the line between Lots 45 and 46;

THENCE South 34 degrees and 44 minutes West in the line between Lots 46 and 45 and in the line between Lots 51 and 52, 212.9 feet more or less to the place of beginning.

SUBJECT to the right and privilege of the owner or owners for the time being of that part of adjoining Lot 52 according to Plan No. 86 having a frontage of 105.6 feet on Queen Street by a depth of 75.6 feet to enter upon from time to time the following part of Lot 51 herein conveyed, namely:

COMMENCING at a point in the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51;

THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet;

THENCE North 55 degrees and 28 minutes West, 8 feet;

THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid;

THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purpose of repairing, maintaining and improving the existing dwelling house erected on the said adjoining part of Lot 52 until the said dwelling house is removed or destroyed by fire or otherwise.

PIN 46397-0073 (R)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The McDougal-Harrison House, c.1820 – Part Lot 51, Plan 86 165 Queen Street, Niagara-on-the-Lake

The McDougal-Harrison House is recommended for designation for both architectural and historical reasons.

It is historically significant for its association with such prominent citizens of Niagara as Martin McClellan, who was killed at the Battle of Fort George in 1813; Elizabeth Clench, who was the granddaughter of Sir William Johnson and Molly Brant; Ralfe Clench, who served with both the King's Regiment and Butler's Rangers in the Revolutionary War and was a member of the House of Assembly and Justice of the Peace; Daniel McDougal, who was wounded at Lundy's Lane and was a prominent merchant, public servant and founding member of the St. Vincent de Paul congregation; and William H. Harrison, who was also a prominent merchant and served 3 terms as Mayor of Niagara.

Architecturally the house is a fine example of a Regency town house with its handsome brick arcades, elaborate entrance, stepped gables and fine brickwork. The interior retains its original layout and most of the original trim and details. This unique example of early 19th century urban townhouse architecture forms part of the remarkable streetscape at the west end of Queen Street that includes the Rogers-Blake-Harrison House, the Crysler-Burroughs House, the Cottage Hospital and the Richardson-Kiely House.

Site

The house occupies a 2/5 acre lot on the north side of Queen Street between Simcoe and Gate Streets. The house sits close to the street on the west side of the lot. An iron gate and fence on the east side of the building lead to a driveway and a well screened driveway and rear yard.

Historical Background

The house stands part of a 1/2 acre lot granted by the Crown to Martin McClellan, son of Butler's Ranger William McClellan, in 1798. McClellan was killed at the Battle of Fort George in 1813 along with 3 other soldiers who were attempting to spike the guns under cover of fog.

McClellan sold his lot to Elizabeth Clench, granddaughter of Sir William Johnson and Molly Brant and wife of Niagara Town Clerk Ralfe Clench in 1811. Ralfe Clench served as a volunteer with the King's Regiment and was a lieutenant in Butler's Rangers during the Revolutionary War. Clench was active in the community, serving multiple terms in the House of Assembly. He was also Clerk of the Peace, Registrar of the Surrogate court and a charter member of the

Masonic Lodge. He continued to serve in the Lincoln Militia and was taken prisoner when the American army when seized the Town in 1813.

The Clenches sold the lot in two pieces in 1820. Adam Crysler purchased the portion on which the building at 165 Queen Street stands and is traditionally considered to be the builder of the house. Crysler was the second son of John Crysler and Elizabeth Morden. He was a Niagara merchant and operated a general store, first in partnership with his older brother, then by himself and finally in partnership with William Daly, his brother-in-law. He died of consumption at the age of 29.

Although Crysler's wife Ellen left Niagara-on-the-Lake in the 1830's, the family continued to own the house until 1849 when Adam's son, Charles Morden Crysler, sold 165 Queen Street to Daniel McDougal.

Daniel McDougal was born near Inverness Scotland, c.1782 and came to Upper Canada in 1786 with his parents, who settled in Glengarry. He was highly respected for his military and civic service as well as for his leadership in St. Vincent de Paul Church. He lived in the house with his wife and several of his adult children until his death in 1866.

During the War of 1812-14, McDougal served with the Glengarry Light Infantry and the Incorporated Militia at Ogdensburg, Fort George and Lundy's Lane. He was severely wounded at Lundy's Lane and made a remarkable recovery despite the fact that he was not expected regain his health or to be able to work. He continued his involvement in the military as Colonel of the First Lincoln Militia until 1856 and he was involved in the plans for the construction of the second Brock memorial.

After the war, McDougal became a merchant and, in the 1830's he was appointed Commissioner of Customs. In the 1850's he became the Treasurer of the District of Niagara. He was also an influential member of St. Vincent de Paul Church chairing the 1831 meeting that promoted the building of the church and serving as Treasurer and as member of the Committee of Management. His daughter, Helen Newton, donated the St. Joseph's altar in the church and served as the choir director for many years.

Daniel McDougal bequeathed the house to his wife and then to his children and his two grandsons. The McDougal family continued to own, but not always occupy the house. Helen Newton finally assumed ownership of the house in 1872. She rented the house until 1883 to Mrs. Pringle and then to John Alexander Blake, the owner of the adjacent property at 157 Queen Street. Her sons inherited the property in 1915.

The Newtons sold the property to William H. Harrison in 1921. Harrison was a prominent Niagara businessman and local politician who served as mayor in 1915, 1924 and 1925. He owned and built what is now Kennedy's on Queen Street and opened a number of businesses on that street including those that sold flour and feed, fruit baskets and implements, lumber, furniture and bedding. Harrison also rented out the ground floor of his building to various businesses.

The house passed down through various members of the [REDACTED] family until it was bequeathed [REDACTED] in 1975. [REDACTED] granted the house to her daughter, who continues to be the current owner.

Architectural Description

There is substantial evidence for the fact that Adam Crysler constructed the house in 1820. The price paid by Crysler was fair value for vacant land on Queen Street in 1820. In 1818, John Goldie, a visitor to the Town, claimed that the only building worthy of notice was the old court house and jail which had the arcaded details found in this house. The Cameron-Farren House on King Street, which also has an arcaded façade, has a date c.1817 and it is possible that the builder of the court house may have been contracted to construct these two private residences. There is also some 1820's interior trim at 165 Queen Street.

Early plans of the town tend to support the traditional building date. Gray's 1810 plan indicates that there is no building at this location and this precludes a repair or reconstruction of a pre 1813 building. The 1819 Wilson plan shows only a small structure on lot 52 near the lot line of 51 while Shaw's 1821 plan shows a building closer to the street line on lot 51.

The building is a two storey red brick town house with a side hall plan and a gable roof. There is a two storey brick addition at the rear added relatively early in the history of the house (c.1830-40), with a clapboard extension. The building sits quite close to the sidewalk, a common characteristic of the older homes in the Old Town, and is distinguished by a number of distinctive features including the handsome double brick arcades and the crow step gables at the roof ends. Arcades such as these are a characteristic of Regency buildings such as row or town houses. There are a number of arcaded brick buildings in the Old Town including the Cameron-Farren House on King Street, the Stewart McLeod House on Prideaux Street, and portions of the Liquor Store on Queen Street.

The brickwork is laid in a common bond configuration with fine mortar joints and is generally in excellent condition. Two brick end chimneys rise directly from the crow step gables. The configuration of the building leaves the impression that it may have been intended to be one of a row of similar houses that were never built.

The entrance consists of 6 panel door with a semi elliptical transom and side lights set into the arch of the ground floor arcade and surmounted by brick voussoirs. The sidelights are separated from the door by elegant fluted pilasters with finely moulded caps. The transom is perhaps the most ornamental and complex in Niagara-on-the-Lake and is filled with an intricate curved lozenge pattern of metal came and ornamental lead rosettes. The sidelights are also decorated with intricate metalwork. It is amazing that an entrance of such decorative complexity has survived.

The original windows on the front façade are 12 over 12 with flat brick arches constructed of upright voussoirs.

The interior plan of the house retains the original compact layout of a side entrance hall with staircase and best parlour. Originally there was a double room across the back comprising a dining room on the west side and an adjoining kitchen on the east side. The intervening partition between the dining room and kitchen was removed at some point. The layout of the second floor is similar to that of the ground floor with three bedrooms and a fourth room above the front door, which appears to be a later enclosure.

The entrance hall contains the original staircase of delicate Regency or Neo-Classical design. The stair is constructed of walnut with straight balusters. On the landing there is an attenuated columnar newel with square base and cap with bun finial similar to the one on the staircase at the Davis-Prest-Croy House. The newel at the bottom of the stairs ends in an elegant scroll with a decorative central ivory button said to be an indication that the mortgage had been paid. The careful and accomplished curved ramping of the rail is noteworthy.

The front parlour contains the original fireplace with an extremely ornate mantelpiece similar to the one in the Rogers-Blake-Harrison House next door. It is an elaborate design, intact and unaltered, with hourglass shaped colonettes, elaborate scroll work and a large central patera. Peter John Stokes has noted that this design has a curious Germanic or Baroque feeling and that prototypes are found in southern New York State. On either side of the fireplace are arched alcoves with fluted pilasters and prominent and decorative wooden keystones.

The trim in the hall and best parlour is symmetrical, elaborate and finely scaled with strangely plain corner blocks. The ceiling cornice in the parlour, comprising a series of ovolo profiles, is believed to be early. The trim in the rest of the building is finely scaled and mitred with back moulds and small scale intermediate or quirk mould.

The east side parlour contains a fireplace of simple design with fine mouldings and simple applied pilasters. It was originally a cooking fireplace and still contains a crane. To the left of the fireplace is a built in cupboard with 4 doors. The upper portion of the cupboard is stepped back slightly creating a narrow shelf.

The second floor retains its original configuration of three bedrooms. The front, or best bedroom, may also have been used as a diningroom or reception room. The fireplaces and mantels, doors, doorcases and window trim are all original.

Designation

This designation applies to the lands and more particularly to the entire exterior façade and structure of the house excluding the rear ell and to interior features including all of the original mantelpieces and fireplaces, the alcoves and trim in the front or best parlour, and the staircase.

✓
RC
12/10/03

2

**SCHEDULE A
BY-LAW 3722-03
165 QUEEN STREET DESIGNATION BY-LAW**

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, (formerly in the Town of Niagara, in the County of Lincoln) and Province of Ontario, and being composed of part of Lots 51 and 46 as shown on the Niven Plan registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86, more particularly described as follows:

COMMENCING at a point in the Northerly boundary of Queen Street distant therein North 55 degrees and 28 minutes west, 105.6 feet from the Westerly boundary of Gate Street which said point is the most Southerly angle of Lot 51;

THENCE North 55 degrees and 28 minutes West in the Northerly boundary of Queen Street, 72.12 feet;

THENCE North 34 degrees and 51 minutes East, 214.78 feet;

THENCE South 53 degrees and 55 minutes East, 71.2 feet to a point in the line between Lots 45 and 46;

THENCE South 34 degrees and 44 minutes West in the line between Lots 46 and 45 and in the line between Lots 51 and 52, 212.9 feet more or less to the place of beginning.

SUBJECT to the right and privilege of the owner or owners for the time being of that part of adjoining Lot 52 according to Plan No. 86 having a frontage of 105.6 feet on Queen Street by a depth of 75.6 feet to enter upon from time to time the following part of Lot 51 herein conveyed, namely:

COMMENCING at a point in the northerly limit of Queen Street where the boundary between Lots 51 and 52 meets the said limit of Queen Street and being the most southerly angle of said Lot 51;

THENCE North 34 degrees and 44 minutes East in the boundary between Lots 51 and 52, 55 feet;

THENCE North 55 degrees and 28 minutes West, 8 feet;

THENCE South 34 degrees and 44 minutes West 55 feet to the northerly limit of Queen Street aforesaid;

THENCE South 55 degrees and 28 minutes East in the last mentioned limit 8 feet to the point of commencement for the purpose of repairing, maintaining and improving the existing dwelling house erected on the said adjoining part of Lot 52 until the said dwelling house is removed or destroyed by fire or otherwise.

PIN 46397-0073 (R)



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

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276

**Department of Planning
& Development Services**

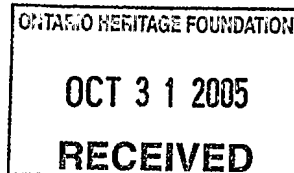
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301

The Town of
Niagara-On-The-Lake

1593 FOUR MILE CREEK ROAD
P.O. Box 100
VIRGIL, ONTARIO
LOS 1T0

October 28, 2005

The Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario
M5C 1J3



REGISTERED MAIL

**RE: 175 Queen Street, The Cottage Hospital
Notice of Passing of By-law No.3969-05
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6) (a) (ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18, please find enclosed a copy of:

By-law No.3969-05, being a by-law to designate 175 Queen Street.

Sincerely yours

Holly Dowd
Town Clerk

Enc.

✓ 11/15/05
RA

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 3969-05
(175 Queen Street, Roll No.26 27 010 004 042 00)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN
MUNICIPALLY AS THE COTTAGE HOSPITAL, 175 QUEEN
STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN
THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL
HERITAGE VALUE OR INTEREST

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Cottage Hospital at 175 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Trust, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

AND WHEREAS the reasons for designation are set out in Schedule 'B' hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the Cottage Hospital at 175 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 22ND
DAY OF AUGUST, 2005.**


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

SCHEDULE "A"

DESIGNATION BY-LAW 175 QUEEN STREET

Part Lot 50-51, TP Plan 86, Niagara as in RO151525; Niagara-on-the-Lake
PIN 46397-0074 (LT)

SCHEDULE 'B'

REASONS FOR DESIGNATION

**The Cottage Hospital, c.1820
Nurses' Residence, c.1920
Part Lot 50 & 51, Niagara-on-the-Lake**

The Cottage Hospital property is recommended for designation for its cultural heritage value and interest.

The building known as the Cottage Hospital represents an important part of the history of Niagara-on-the-Lake. It was the home and office of the Town's early physicians and was the first hospital in the Town. Many of the Town's citizens who still live in the area were born within the hospital's walls.

It is also significant for its association with such prominent citizens of Niagara as Martin McClellan, a Captain in the First Lincoln Militia who was killed at the Battle of Fort George; Tenny Peabody, watchmaker; Henry Paffard, Mayor and pharmacist; Dr. Hedley Anderson, respected physician and Brigadier-General Charles M. Nelles who had a distinguished career in the Canadian military, served as mayor of the Town and, in the early 1920's, spearheaded the drive to convert Dr. Anderson's house into a much needed hospital for the town.

Architecturally the Cottage Hospital building represents an early Neo-Classical building in the Town of Niagara-on-the-Lake. It sits on its original spacious lot on the north side of Queen Street and forms, along with the adjacent designated properties to the east and west, a remarkable streetscape that has remained largely unaltered since the 1820's when the houses on this block were constructed.

The building known as the Nurses' Residence, which is situated at the rear of the property and is designed in the Arts and Crafts style, was constructed at the time that the property was converted into Niagara's local hospital. It is integral to the interpretation and character of the site at the time that the property became Niagara's first hospital.

Site

The buildings occupy a rectangular 3/6 acre lot on the north side of Queen Street between Simcoe and Gate Streets.

Historical Background

The Cottage Hospital and Nurses' Residence stand on a portion of the land originally owned by George Campbell and Martin McClellan, a captain in the First Lincoln Militia who was killed at the Battle of Fort George in 1813. McClellan sold his land to Raife and Elizabeth Clench in 1811 while George Campbell sold his land to Joseph B. Clench in 1818. Tenny Peabody, a watchmaker, who purchased portions of both lots, assembled the lot on which the Cottage Hospital now stands in 1819-20. Peabody paid fair market price for the land and sold it for a good profit in 1825, when he left town, indicating that he probably constructed a building on the lot in the early 1820's.

The property changed hands a number of times between 1829 and 1845, during which time it also functioned as a store. Thomas McCormick, who purchased the property in 1832 and lived in it until shortly before his death in 1867, was the first long term owner and occupant of the site. He was married to Augusta Jarvis, daughter of William Jarvis and was a warden St. Mark's church and a collector of customs. He sold to Pedro Alma, a lawyer who in turn sold to William Tremaine, a civil engineer, and his wife Frances. They rented the house to Dr. Robert M. Wilson who opened a doctor's office in the house in 1869.

The Tremaines sold the house to Henry Paffard in 1872. Paffard was mayor of Niagara for over 20 years and ran the local drugstore, which is still standing and is now a museum owned by the Ontario Heritage Foundation and operated by the Ontario College of Pharmacy.

Paffard sold the property to Dr. Wilson in 1873. The doctor made some improvements to the building and sold it to John M. Clement in 1875. The property remained in the hands of the Clement family until 1889 when it was purchased by Dr. Hedley Leeming Anderson, a much loved and respected local physician, who lived and practised in the house until his retirement c.1919.

At the time of his retirement, Dr. Anderson sold the property to James Marshall, a native of Tennessee who in turn sold it to Brigadier-General Charles M. Nelles, who led the drive to convert the building to a hospital at the cost of \$13,000.00 and served as president of the Board of Governors for 12 years. The Nurse's Residence was also constructed at that time.

Brigadier-General Nelles was an important member of the community who had an illustrious military career. He served in South Africa in 1896 as adjutant of the First Canadian Mounted Rifles in the Boer War and commanded a regiment in Saint John, New Brunswick from 1906 to 1912.

During the First World War he commanded the Royal Canadian Dragoons and served with them in the field until 1917 when he was made officer commanding the cavalry depot at Shorncliffe Barracks, England. He returned to Toronto, reorganized the Dragoons Regiment and retired to his home in Niagara in 1920, later serving as mayor.

The hospital served the community until 1951 when the new hospital opened on Wellington Street. Many of the people born in the Cottage Hospital still live and work in the community.

Architectural Description

The Cottage Hospital is a substantial two storey 5 bay symmetrically arranged building of Neo-Classical design and proportions with a gable roof and internal end chimneys. It is of post and beam construction with a stone foundation. The interior contains some early doors and trim, the remains of a walnut handrail on a staircase and some wide pine floors.

The building sits close to the street, as do its neighbours to the west and east. An early photograph, probably taken in the 1890's, indicates that it formed, along with the Chrysler-Burroughs, McDougal-Harrison and Rogers-Blake-Harrison house, a remarkable and rhythmic streetscape of well spaced buildings on spacious lots that has remained largely unchanged.

The building was probably originally clad in clapboard or roughcast stucco which is now covered with a wide siding material. The large windows on the façade are divided into 6 over 6 panes and, if not original, were there in the second half of the 19th century.

A one storey enclosed porch with a mansard style roof and bay window to the west were probably added by Dr. Anderson in order to accommodate his combined home and surgery. They can be seen in an early photograph taken c.1902. At that time a wire and wood fence enclosed the property and the windows had shutters. The building also had a two storey addition to the rear which is shown in early photographs. The addition is lower and narrower than the main Cottage Hospital building which faces Queen Street. A carriage house is located to the rear in the area of the existing garage.

Page 3 – Schedule "B"

A photograph of the Cottage Hospital taken in 1925 indicates that a second storey was added to the existing enclosed porch, which still exists today, and that the shutters had been removed. The wire fence, with its simple wooden posts and entrance gate, remained.

Early photographs of the Nurse's Residence indicate a 1 ½ storey stucco building designed in the Arts and Crafts style with a brick foundation, hipped dormer and enclosed entrance surmounted by a hipped roof. This building, which is substantially unchanged, may have been designed by the St. Catharines architects Arthur Nicholson and Robert Macbeth who designed many of the houses in that city including several in the Yates Street Heritage Conservation District and the Glenridge neighbourhood.

Designation

This designation applies to the lands and more particularly to the entire exterior of the Nurses' Residence building and the entire exterior of the Cottage Hospital building.



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.

79 x 80.



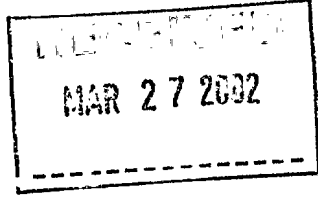
Department of Planning
& Development Services
TELEPHONE (905) 468-3266
FACSIMILE (905) 468-0301

The Town of Niagara-On-The-Lake

1593 CREEK ROAD
P.O. Box 100
VIRGIL, ONTARIO
L0S 1T0

March 26, 2002

The Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario
M5C 1J3



REGISTERED MAIL

**RE: 187 Queen Street, 433 King Street, 53 Queenston Street and 93 Queenston Street
Notice of Passing of By-laws No. 3633-02, 3634-02, 3631-02, 3632-02
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29 (6) (a) (ii) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, please find enclosed copies of:

- By-law No. 3633-02, being a by-law to designate 187 Queen Street
- By-law No. 3634-02, being a by-law to designate 433 King Street
- 79 By-law No. 3631-02, being a by-law to designate 53 Queenston Street ✓
- 80 By-law No. 3632-02, being a by-law to designate 93 Queenston Street ✓

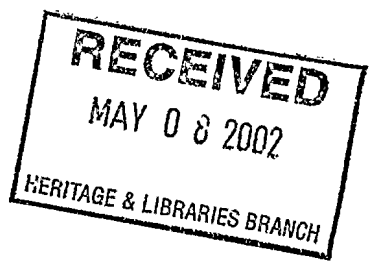
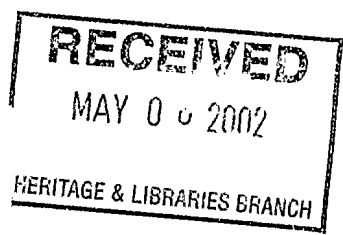
Sincerely yours

Holly Dowd

Holly Dowd
Town Clerk

Encl.

find file!



THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 3633-02
(187 Queen Street)
(Roll No. 26-27-010-004-041)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE CRYSLER-BURROUGHS HOUSE, 187 QUEEN STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF ARCHITECTURAL AND HISTORICAL VALUE AND INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O., Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Crysler-Burroughs House at 187 Queen Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

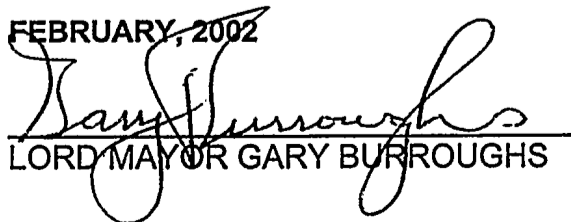
AND WHEREAS the reasons for designation are set out in Schedule 'B' hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality;

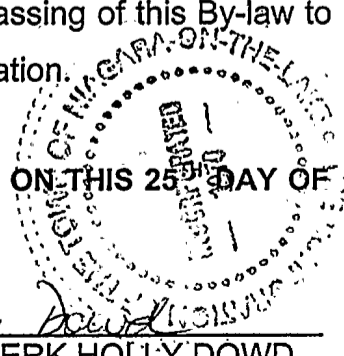
NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of architectural and historical value and interest the real property know as the Crysler-Burroughs House at 187 Queen Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause a copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 25TH DAY OF
FEBRUARY, 2002


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD



SCHEDULE "A"

187 QUEEN STREET

Part of Lot 50, Township Plan 86, as in Registry Office 659780, Lot 49, Township Plan 86, formerly in the Town of Niagara, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

PIN #46397-0075 (R)

SCHEDULE 'B'

REASONS FOR DESIGNATION

Crysler – Burroughs House c.1822
187 Queen Street, Niagara-on-the-Lake

The Chrysler - Burroughs House is recommended for designation for both architectural and historical reasons. It is historically significant for its association with such prominent citizens of Niagara as Peter Desjardins, who established the Desjardins Canal in Hamilton; Ralph Morden Chrysler, a wealthy merchant and partner in the Niagara Harbour & Dock Co.; and the lawyer Charles L. Hall, who was probably responsible for the Greek Revival alterations made to the house in the 1840's. Several significant American owners including George K. Birge and Page M. Baker, publisher of the New Orleans Times, owned the house during Niagara-on-the-Lake's heyday as a summer resort in the late 1890's.

Architecturally the house displays both neo-Classical and Greek Revival characteristics and is associated with the fine joinery work of John Davidson, who designed and executed the pulpit at St. Andrew's Church. This distinctive building is part of the remarkable residential streetscape at the west end of Queen Street that includes the Rogers - Harrison House, the McDougal - Harrison House, the Cottage Hospital and the Richardson - Kiely House.

Historical Background

The house occupies the southwest section of a large corner lot at Queen and Simcoe Streets. The fenced lot, with its lovely garden, contains numerous trees and shrubs that create a private enclave. The house is built so close to the lot line that the south façade abuts the sidewalk.

The lot was first granted c. 1795, but was not built on. A Patent was issued to Peter Desjardins, a French Loyalist refugee, in 1803. The house he built on the lot in 1805 was probably burned in 1813 but he constructed other buildings on the property, a portion of which he continued to own until his death in 1827. Desjardins is less prominent historically for Niagara than for the Hamilton area. He moved to the Head of the Lake in 1805 and in 1820 he petitioned the Executive Council for the land necessary to build a canal through Cootes Paradise in order to facilitate the shipping of goods from Dundas to Burlington Bay. Despite the fact that the Council approved the petition, the canal that bears his name did not open until 1837, ten years after his death.

In 1821 Desjardins sold the south half of lot 49 to Ralph Morden Chrysler for £100. In 1822 Chrysler acquired a further 12' of property to the north and constructed the fine two storey wooden house that exists today. He extended his frontage on Queen Street in 1830 and bought the remaining north half of lot 49 from Peter Desjardin's brother in 1837. Chrysler was a local businessman who was born on the Chrysler family farm in Niagara Township. With 11 of Niagara's notable

citizens he successfully petitioned for a charter for the Niagara Harbour and Dock Company in 1831, a shipbuilding enterprise that gave a tremendous boost to the local economy. However, financial setbacks relating to the Dock Company forced Chrysler to sell the property to the lawyer Charles Lethum Hall for £900.

Hall, who was born in Sandwich (Windsor), was a lawyer and land speculator during the 1840's. He owned property throughout the town, including the Richardson-Kiely House. He and his wife were active citizens of Niagara-on-the-Lake and mention of both his business and the family's busy social life is referenced in the local papers throughout this period. Hall died in 1849, and is buried in St. Mark's churchyard, but the house continued to be owned by his descendants and leased to tenants until 1888 when Hall's daughter sold it to Dougal B. Macdougall. Macdougall sold the building to American businessman George K. Birge in 1895 and it remained in American hands throughout the Town's heyday as a summer resort until [REDACTED] purchased it in the 1960's.

Architectural Features

The house is a two storey, three bay, hipped roof structure on a brick topped foundation. The rear two storey wing once housed the kitchen. American owner George K. Birge converted the building into a summer residence and added a two storey gallery along the rear wing. Recently, the lower gallery facing the garden has been filled in to create additional living space on the ground floor. The exterior finish is clapboard. There is an elaborate modillion cornice with built-in cornice gutter ornamented below with console brackets and finely worked plaster treatment with carved Ionic caps of a design similar to those on the Neo-classical Breakenridge - Hawley and Clench Houses. There are two end chimneys on each side of the roof. The chimney on the southeast corner was built as a dummy to preserve the symmetry of the composition. The house, which was probably originally entered directly from Queen Street, is now entered from the west side via a covered side porch with square pillars decorated with stylised anthemions. A magnificent Greek Revival doorcase, the work of John Davidson derived from a design in a pattern book by Minard Lefever, gives access to the hallway.

The entrance hall contains the stair, which rises towards the front of the house. Executed in oak with turned balusters, the staircase is a heavily scaled essay in the Greek Revival with a monstrous seahorse newel and a wide, low rail that is both difficult and uncomfortable to grasp. Half way up, as the stair turns towards the landing, is a shallow alcove for display of ornaments or a statuette.

The front parlour retains its pilastered marble mantel, another feature of the Greek Revival renovation. The former dining room retains its original neo-Classical mantel, although the fireplace has been rebuilt. Large double folding doors surmounted by wide trim of Greek design lead into what is now the dining room, located in the rear two storey wing. Original six-panel doors with contemporary locks, pine floors, doorcases, cornices and baseboard remain in this portion of the building.

The rear kitchen area has been considerably changed. The original cooking fireplace remains with its hearth and bake oven. However, an earlier 1999 photograph indicates that the simple mantel has been altered with the addition of both mouldings and brackets.

The rear staircase leading up to the servant's rooms in the rear wing is a simple, pleasant and elegant design in walnut. Its Victorian appearance indicates that it was probably installed after the Greek Revival alterations were completed.

The plan of the second floor has also been altered. The former double bedchamber with its archway with folding doors between has been converted to accommodate 21st century amenities. However, the neo-Classical fireplaces, with their matching mantelpieces of a curious Niagara design of Germanic inspiration, remain, as does much of the original trim and cornice mouldings.

Designation

This designation applies to the lands and more particularly to the entire exterior façade and structure of the house, the exterior doorcase and entrance portico and to interior features including the early trim and doors on the first and second floors, all existing fireplaces and mantels, original pine floors and both the main and rear staircases.



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

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TOWN OF NIAGARA-ON-THE-LAKE

P.O. BOX 100, VIRGIL, ONTARIO L0S 1T0
TELEPHONE (416) 468-3266

July 23, 1986

The Ontario Heritage Foundation
2nd Floor
77 Bloor Street West
Toronto, Ontario
M7A 2R9

Attention: Mr. J. White, Chairman

Dear Mr. White:

Re: Building Designation under Part IV of
The Ontario Heritage Act, 1974
Richardson-Kiely House c.1832
Town of Niagara-on-the-Lake

Pursuant to the provisions of Section 29(6)(a)(ii) of
The Ontario Heritage Act, 1974, enclosed herewith please
find a certified copy of By-law No. 1660-86 being a by-law
to designate the Richardson-Kiely House under Part IV of
the Act.

Yours truly,

Robert G. Howse
Town Clerk
JDC:ie

C O R P O R A T I O N
O F T H E
T O W N O F N I A G A R A - O N - T H E - L A K E
B Y - L A W N O . 1 6 6 0 - 8 6

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE RICHARDSON-KIELY HOUSE, 209 QUEEN STREET, NIAGARA-ON-THE-LAKE, AS BEING OF ARCHITECTURAL AND HISTORIC VALUE AND INTEREST

WHEREAS section 29 of The Ontario Heritage Act, 1974 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest; and


WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owners of the lands and premises known as The Richardson-Kiely House at 209 Queen Street, Niagara-on-the-Lake, and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in the same newspaper having general circulation in the municipality once for each of three consecutive weeks; and

WHEREAS the reasons for designation are set out in Schedule "B" hereto; and

WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality;

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of architectural and historic value and interest the real property known as The Richardson-Kiely House at 209 Queen Street, Niagara-on-the-Lake, more particularly described in Schedule "A" hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office.

Certified True Copy

Clerk - Town of Niagara-on-the-Lake

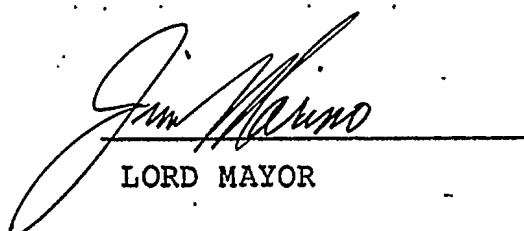
3. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this by-law to be published in the same newspaper having general circulation in the municipality once for each of three consecutive weeks.

READ A FIRST AND SECOND TIME THIS 26th DAY OF May, 1986.

READ A THIRD TIME AND PASSED THIS 26th DAY OF May, 1986.



CLERK



LORD MAYOR

SCHEDULE "A"
TO BY-LAW NO. 1660-86
THE RICHARDSON-KIELY HOUSE
209 QUEEN STREET, NIAGARA-ON-THE-LAKE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara and Province of Ontario, being formerly in the Town of Niagara and the County of Lincoln and being composed of Part of the Military Reserve, Plan 86, in the Town of Niagara, being more particularly described as follows:

COMMENCING at a standard iron bar planted at the intersection of the North-easterly boundary of Queen Street with the North-westerly boundary of Simcoe Street, said streets as established by Municipal Survey No. 672;

THENCE North 34 degrees, 46 minutes and 30 seconds East along the North-westerly boundary of Simcoe Street, 208.1 feet to O.B.S No. 25;

THENCE North 55 degrees, 27 minutes West along the South-westerly boundary of Canada Land Plan No. 1 as filed in the Registry Office for the Registry Division of Niagara North in Plan Index Book No. 1, 208.61 feet to O.B.S. NO. 26;

THENCE South 34 degrees, 46 minutes and 30 seconds West along said South-westerly boundary, 208.16 feet to a standard iron bar found in the North-easterly boundary of Queen Street;

THENCE South 55 degrees, 28 minutes East along said North-easterly boundary, 208.62 feet more or less to the Point of Commencement.

PREMISING that the assumed astronomic bearing of the North-easterly boundary of Queen Street is North 55 degrees, 28 minutes West and all bearings herein are related thereto:

All previously set out in Registered Instrument No. 214429.

SCHEDULE "B"
TO BY-LAW NO. 1660-86

STATEMENT OF THE REASONS FOR THE PROPOSED DESIGNATION

Richardson-Kiely House c.1832
209 Queen Street
Part of the Military Reserve
Northerly Corner of Queen and Simcoe Streets
formerly in the Town of Niagara
now in the Town of Niagara-on-the-Lake

This house is a fine example of period Neo-Classic Georgian architecture with refinements, which was common throughout the Niagara area in the early to late 1800's. The original central block of the building was constructed in 1832. A two-storey wing lined with galleries for summertime leisure was added to the south of the main building during the resort era at the turn of the century. As a result of the addition, the house now comprises two buildings of different ages (1832, 1900) which are linked by common neo-classical style two-storey verandahs.

The original central block of the house is distinguished by a front door centered on the Queen Street facade of the building. The front door is adorned with sidelights and a generous fanlight above. A Palladian window with similar sidelights and a fanlight above is centered over the front door and opens onto a small balcony which also provides shelter for the front door. Two six over six transom windows flank either side of the front door and the Palladian window. The main block of the house has a hipped roof and end chimneys, which was a popular style in the Niagara area in the early 1800's and a decorative widow's walk.

The interior of the house is marked by a conventional center hall plan with the principal rooms to either side. The plan is generally repeated upstairs. The interior detail is in good order with wood trim of the pilastered sort with corner blocks and simple mitered forms elsewhere, and plaster cornices and central staircase with walnut handrail, tapered balusters and a scroll supported by a baluster cage enclosing a turned brass newel post. Halfway up the stair is located a curved door and doorcase which is an accomplished piece of joinery. The house is also equipped with a great cooking fireplace with built-in cooker (Rumford-Roaster) or sheet iron oven with firebox below. Also of interest is a strange vaulted chamber leading off from the cellar which is rumoured to have been an underground passage to Fort Mississauga.

The house is significant historically as the home of the original owner, Charles Richardson, a barrister and member of Parliament for Niagara from 1832-34.

This designation applies to the entire exterior facade of the house, the central hall stairway, the stairwell, the Rumford-Roaster, parlour, living and dining-rooms, all fireplaces and mantels throughout the house, and the gas-oliers on the main floor.



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

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Department of Planning
& Development Services
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301

162

(File)



The Town of Niagara-On-The-Lake

RECEIVED
MAY 6 - 2005
CONSERVATION REVIEW BOARD
CREEK ROAD
P.O. BOX 100
VIRGIL, ONTARIO
L0S 1T0

ONTARIO HERITAGE FOUNDATION
APR 27 2005
RECEIVED

April 25, 2005

The Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

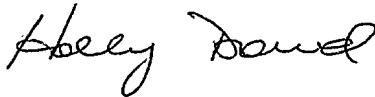
REGISTERED MAIL

RE: 229 Simcoe Street, The Fagan-Garrett-Hummel House
Notice of Passing of By-law No.3922-05
Ontario Heritage Act, Part IV

Pursuant to the provisions of Section 29(6) (a) (ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18, please find enclosed a copy of:

By-law No.3922-05, being a by-law to designate 229 Simcoe Street.

Sincerely yours



Holly Dowd
Town Clerk

Enc.

8/18/05
entered RA

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 3922-05
(229 Simcoe Street, Roll No.26-27-010-005-108)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE FAGAN-GARRETT-HUMMEL HOUSE, 229 SIMCOE STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the Lake has caused to be served on the owner of the lands and premises known as the Fagan-Garrett-Hummel House at 229 Simcoe Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

AND WHEREAS the reasons for designation are set out in Schedule 'B' hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the municipality.

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the Fagan-Garrett-Hummel House at 229 Simcoe Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS
11TH DAY OF APRIL 2005.**


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

SCHEDULE "A"

Lots 73 and 74, 95 and part Lot 96, Township Plan 86, Niagara designated as Parts 1, 2 and 3 on 30R-11437; Subject to easement over Part 3, 30R-11437 as in NR55259; Niagara-on-the-Lake

PIN 46398-0112 (LT)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The Fagan-Garrett-Hummel House, c.1835 – Part Lot 96, Lot 4 In the Peaceacres Plan of Subdivision, Niagara-on-the-Lake

The Fagan-Garrett-Hummel House is recommended for designation for its cultural heritage value and interest.

The building represents an important remnant of the history of Irish settlement and of the early artisans who settled in Niagara. The property was home to an accomplished stonecutter and was adjacent to a small enclave of modest homes of other Irish craftsmen who settled in this area of Town. It is also an example of property that, however modest, was inhabited by a single family for almost 100 years.

Architecturally the building represents a modest worker's cottage of simple symmetrical design. Along with its neighbour to the immediate south, it constitutes an integral addition to the streetscape character and setting that marks the earlier layout of the Old Town with houses arranged parallel to the street and set close to the street line. It is an important example of one of the more unpretentious cottages constructed throughout the Town in the middle years of the last century when Niagara was home to a burgeoning commercial and industrial community.

Site

The property is on the west side of Simcoe Street between Queen and Johnson Streets. The house is situated on a relatively flat lot of approximately 1/8 acre sloping slightly to the south towards One Mile Creek.

Historical Background

The Fagan-Garrett-Hummel House stands on a portion of the one acre lot originally granted by the Crown to Provincial Secretary William Jarvis in 1801. There is no evidence that either Jarvis or his heir, Samuel Peters Jarvis, built a house on the lot. The earliest deed of any significance in relation to Lot 96 deals with the sale of the southeast 1/2 acre to Robert Dickson in 1824. In the spring of 1828, Mr. Dickson sold the southwest 1/4 acre in two pieces, 1/8 acre to Michael Morley, an Irish immigrant and stone mason and 1/8 acre to Henry Cleland, carpenter and joiner. The house owned by Michael Morley still stands next to the house at 229 Simcoe Street and was designated under Part IV of the Ontario Heritage Act in 2003 as the Morley-Gallagher House.

Sometime before these sales, Robert Dickson sold the 1/8 acre site of 229 Simcoe Street to Patrick Fagan, a stone cutter. Mr. Fagan was resident in Niagara as early as 1825 when he advertised his abilities on the front page of the *Niagara Gleaner* informing the public that he had specimens of quoins, window caps, sills, hearths, chimney slabs etc. available for viewing. He also guaranteed that he could cut and letter tombstones "with neatness and dispatch".

Fagan and his wife, Lucy Hiskett, had two children baptized in St. Vincent de Paul Church in 1827 and 1829 respectively. It is probable that he had a small house and a workshop on his lot by the late 1820's. The 1837 Baddeley plan of the town indicates three frame houses on Lot 96. These were probably owned by Fagan, Morley and Cleland, all of who were craftsmen and probably Irish immigrants.

The lot changed hands a number of times throughout the 1850's until it was sold by Hannah Jones to William Johndreau (Johnson), a carpenter, in 1856. Before the end of the decade, Mrs. Jones repossessed the property, renting the house to a young attorney, Edwin Lionel Garrett, from 1859 until his death in 1873. Mr. Garrett's widow continued to rent the property after his death. During this time the taxable value of the house remained relatively stable in comparison with other houses surrounding it, indicating that the non resident landlord spent nothing on improvements.

By 1885, the property had been purchased by Jane Garrett, the widow of Edwin Garrett. Various members of [REDACTED] family continued to own the property until 1956, ending almost 100 years of occupancy by the [REDACTED] family. In that year, [REDACTED] sold the property to [REDACTED] and the lot became part of the Phillips Estate at 228 Queen Street.

Architectural Description

The Fagan-Garrett-Hummel House is a small structure set close to the west side of Simcoe Street. The building is slightly raised above the sidewalk and is a stucco one and a half storey three bay frame building with a centre door. The gable roof is decorated with fretted fascias. There are small upper storey gable end windows with two end windows below in the south wall but none to the north. Behind the main structure is an offset gable roofed clapboard wing with two later lean-to additions.

The interior exhibits a somewhat altered centre hall plan with a wide stair filling the back of the entrance hall rising to side steps at the back of the landings above. Both of the rooms on either side of the centre hall now occupy the full depth of the house and are accessed through door less archways. The upstairs consists of two bedrooms and a bathroom. The wing houses a modernized kitchen with access to a partially dug out cellar under the south end of the wing and main block.

The exterior of the main house is covered in washed roughcast stucco with starter and corner boars attached to a mortise and tenon frame structure. The foundation is stone. The porch, which has boldly turned cylindrical columns and angular fretted and laminated brackets, was probably added in the late 19th century, c.1890. The ceiling of this porch appears to cover a former transom above the entrance door.

The interior contains a number of trim styles from different periods. However, the architraves in the north room have a backmould that dates stylistically to the late 1830's or very early 1840's. A slightly later machine produced moulding occurs in the south room.

The window sash has been changed to 2/2 and 1/1 patterns but measurements indicate that the original front windows were probably 12/12. A gable end window remade from the members of an older sash was originally 6/6.

Traces of the original well weathered clapboard exterior finish are visible in the rear wing loft. The clapboard is attached to the south end of the west wall of the main building. Old whitewashed straight sawn clapboards were also used as the north edge of the loft floor.

The main frame of the house, which can also be seen in the loft space, consists of mid-wall hewn main post double braced to the roof plate. There is no sign of fastening for the exterior finish, which probably indicates that this area was always a roof space, possibly of a saltbox lean-to. The post mortised to receive wall girts also had a mortise hole to the outside allowing for a cross beam.

Page 3 Schedule B

The dug-out cellar has a ground floor framing of flattened bark covered logs spanning east to west. However, the north end, where there may have been indications of a fireplace above, is not accessible. The wing is framed with pit sawn joists in a north to south direction. The rear dug-out houses the remains of a brick enclosure, probably a soft water cistern. The original access to the kitchen above is still visible.

Designation

This designation applies to the lands and more particularly to the front façade and the north and south exterior walls of the dwelling.



An agency of the Government of Ontario

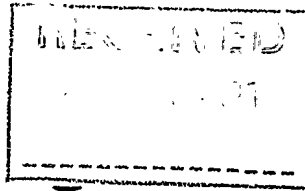


Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.

Department of Planning
& Development Services
TELEPHONE 905-468-3266
FACSIMILE 905-468-0301



The Town of Niagara-On-The-Lake

1593 CREEK ROAD
P.O. Box 100
VIRGIL, ONTARIO
LOS 1T0

August 6, 2003

The Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

REGISTERED MAIL

**RE: 165 Queen Street, 507 Butler Street and 235 Simcoe Street
Notice of Passing of By-law Nos. 3722-03, 3723-03, 3724-03
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6)(a)(ii) of the Ontario Heritage Act,
R.S.O. 1990, Chapter O.18, please find enclosed copies of:

By-law No. 3722-03, being a by-law to designate 165 Queen Street
By-law No. 3723-03, being a by-law to designate 507 Butler Street
By-law No. 3724-03, being a by-law to designate 235 Simcoe Street

Sincerely yours

Holly Dowd
Clerk

Enc.



✓
12/10/03

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 3724-03

(Roll No.26-27-010-005-110)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE MORLEY-GALLAGHER HOUSE, 235 SIMCOE STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Morley-Gallagher House at 235 Simcoe Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

AND WHEREAS the reasons for designation are set out in Schedule 'B' attached hereto;

AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

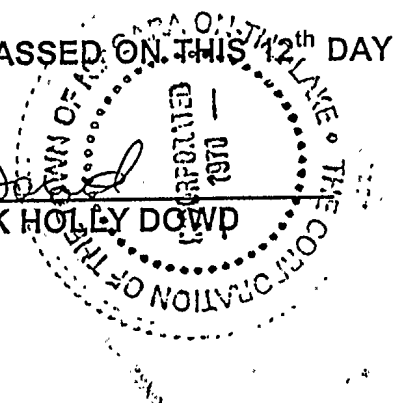
THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the Morley-Gallagher House at 235 Simcoe Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 12th DAY OF MAY, 2003.


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD



4

SCHEDULE A
BY-LAW 3724-03
235 SIMCOE STREET DESIGNATION BY-LAW

**Part of Lot 96, Township Plan 86, Parts 2, 3, & 4, Plan 30R-3707, Town of
Niagara-on-the-Lake, Regional Municipality of Niagara**

PIN #46398-0014 (R)

SCHEDULE 'B'

REASONS FOR DESIGNATION

The Morley-Gallagher House , c.1828 - Part Lot 96, Plan 86, c.1828
235 Simcoe Street

The Morley-Gallagher House is recommended for designation predominantly for architectural reasons.

Architecturally the house, with its simple, symmetrical design, is a valuable contribution to the streetscape. It constitutes an integral addition to the character and setting that marks the earlier layout of the Old Town with houses arranged parallel to the street and set close to the street line. The house is notable for retaining its original form, interior plan and important interior details such as the staircase, fireplaces, trim, doors and partitions. It is an excellent and well maintained example of the residential homes constructed throughout the Town in the years after the War of 1812- 14.

Site

The house occupies a ¼ acre lot on the northwest corner of Simcoe and Gate Streets. The house sits on a relatively steep rise of ground close to the street, a common characteristic of early buildings in the Old Town. The building is centred on the lot with small side yards. There is well tended rear garden .

Historical Background

The house is situated on ¼ acre of land, part of the 1 acre lot originally granted by the Crown to William Jarvis in 1801. Jarvis fought as a Queen's Ranger in the Revolutionary War and was Secretary and Registrar of Records of Upper Canada.

By 1820, the 4 acre block containing lot 96 was owned by Niagara merchant John Donald McKay who mortgaged the property more than once and lost the land as a result of this transgression.

Eventually, the southeastern half of the lot was sold to Robert Dickson, a young lawyer and legislator who was the son of the Honourable William Dickson. Robert Dickson did not build on the lot and in 1828 he resold half of his purchase, the site of the present house, to Michael Morley, a mason. The other half of the lot was sold to Henry Cleland, a carpenter. Patrick Fagan, a stonecutter, occupied a third portion of Lot 96.

Michael Morley, who probably built the house, was an Irish immigrant, and an active member of the St. Vincent de Paul congregation. He was one of 4 layman appointed to the first Committee of Management, established in 1831, to assist Father Cullen with the plans to build a Roman Catholic church.

The Morley family continued to own the property for over 80 years. Mary Ann McFaul and Julia Morley, daughters of Michael Morley, moved to Buffalo in 1885, after their mother's death. The sisters sold the property to Enoch Thompson, a businessman, in 1909. The property has had a number of owners since that time, including [REDACTED] who undertook an extensive restoration and renovation of the building.

Architectural Features

The house is a two storey, 3-bay structure with a symmetrical centre hall plan. The gable roof has a shallow pitch and is clad in cedar shingles. There are two internal end chimneys. Any eave and cornice details that may have existed were either removed or are covered in the stucco finish, which was applied over the original clapboard.

The building sits on a parged rubble stone foundation near One Mile Creek on a rise of ground close to the street line. A rear one storey board & batten wing is a recent addition.

The 12 over 12 windows may be replacements but are in keeping with the style and the age of the building and have simple surrounds and shallow drip caps. Those on the second storey are located tight up under the eaves. The existing shutters are although they fit the openings appropriately, are late Victorian in style.

A simple 3 light transom surmounts the entrance and the 6 panel door has a wide lock rail and simple hardware.

The original interior plan of the house is largely intact. Two large rooms, used as the parlour and dining room, with two small rooms behind, flank the central hall. The same plan is repeated upstairs with two large bedrooms with fireplaces and two small rooms that were originally connected directly to the larger rooms.

The staircase, with its square balusters and simple newel post a slender turned vase shape with square cap and bun finial, is original to the building. On the second level, at the top of the stairs is a unusual pairéd newel post detail. While one post resembles the newel at the bottom of the stairs, the other has a massive cap to accommodate the ascending rail instead of requiring a ramped detail. Original wide pine floors are located throughout the upper and lower levels. Baseboard and window trim throughout the interior appears to be original.

The livingroom mantelpiece is original. The applied recessed pilasters are fluted and are surmounted by an intricate bedmould treatment of three wafer-thin round tapered forms and headboard, including a centre panel with shelf broken out over this and the caps of the side pilasters, which is rather remarkable. To the right of this fireplace is a tall cupboard of simple design, a feature that appears beside each of the fireplaces in the house and may be a later addition. Although the fireplace in the present diningroom is contemporary, the mantelpiece appears to be a later replacement. The mantelpieces in the upstairs bedrooms have simple, shallow mouldings with plain applied pilasters. All of the fireplace openings are of notable stone construction with tooled faces and cheeks and coursed stone backs.

The existence of a basement kitchen is confirmed by the remnants of a massive stone cooking fireplace with brick outer wings bolstering the sides. Above and to the left of this opening is a later stove hole. There are traces of a similar stove hole on the wall above the living room mantelpiece. The house could accommodate such a basement kitchen because it was located on the side of One Mile Creek that is high above the creek bank as indicated by the blocked south door.

There is some evidence that the south side of the building at 235 Simcoe Street might once have been an inn. Mr. Thalman, who restored the house, found a rear entrance with an early door next to the door to the hall. An examination of the building in 1951 revealed a 7 foot door that had been filled in at the south side and a worn floor area and "shelf marks" on the wall of a downstairs room that could indicate a bar room. Although there is no reference to an inn on this site in several early lists of taverns and recesses or on tax roles from 1847-1895, this does not preclude the possibility of a pre 1847 inn.

Designation

This designation applies to the lands and more particularly to the entire exterior façade and structure of the house excluding the board & batten addition and to the carriage stone located in front of the house and to interior features including all of the pine floors, the fireplace mantels in the parlour and the upstairs bedroom, the five fireplace openings, the staircase and the bathroom door on the second floor and the door connecting the kitchen to the dining room on the first floor.

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Appendix VII – Statement of Significance

Description of the Property – 228 Queen Street

228 Queen Street, known as Peaceacres, is located on the southeast corner of Queen and Mississagua Streets at the terminus of Mississagua Street on Lots 73 – 74, 95 and Part Lot 96 Township Plan 86 Niagara. It contains a vernacular two-storey frame and stucco building constructed in 1878. It was originally designed in a simple Victorian style with characteristics of both the Regency and Italianate style. At some point in the early 20th century Neo-classical decorative details, probably taken from other buildings, were added as well as two screened pavilions with distinctive Doric columns and hip roofs. These screens have since been replaced with glass.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of 228 Queen Street is its association with United Empire Loyalist settlers who received the land from the Crown in 1801, including William Jarvis, Provincial Secretary and Registrar in Governor Simcoe's government and the Honourable William Dickson.

The property is also associated with Irish immigrants who brought their skills as masons and carpenters with them to Upper Canada in the first half of the 19th century and were instrumental in building a number of early buildings in the Old Town.

The property is associated with a number of wealthy summer visitors from the Buffalo area and Toronto who purchased large lots and existing houses in Old Town and expanded them to accommodate large numbers of servants and relatives who came to stay for long periods in the summer months. These included the Ketchums of Buffalo, who commissioned the house; J.J. Foy of Toronto who was associated with the Niagara Navigation Company; and Watts Sherman Lansing whose father owned Randwood. Lansing became a permanent resident in Niagara and is buried in St. Mark's cemetery. The house was built by John Ellison, a local builder of some importance.

The property has contextual value. It has been identified as an Estate Lot and forms part of an area that has been identified as the Queen Street Summer Homes Character Area. It is an important contributor to the character of this area. It is a large house on a large, well-landscaped lot with significant surviving outbuildings and structural features such as the greenhouse and potting shed and the well. The property also maintains views out to the golf course, Lake Ontario, and other significant homes that are components of the summer homes character area and can be viewed from Mississagua, Simcoe and Queen Streets. The property is a landmark at the terminus of Mississagua Street. Along with the golf course it defines the entrance to Old Town and the Queen Street commercial area

Description of Heritage Attributes

Key elements that contribute to the heritage value of 228 Queen Street include:

The significant heritage attributes of the property identified in Designation By-law 3983-05 include:

- The formal picturesque landscape, including some of the more significant specimen trees;
- The greenhouse;
- The well;
- The entire exterior of the dwelling including the entrance door and Palladian window; and
- The interior trim and fireplaces excluding the trim, panelling and fireplace in the library, the main interior staircase and the large fireplace in the “billiard room” to the right of the entrance hall.

Appendix VIII – Sample Temporary Protection Plan – New Zealand

Lessons learned from one of New Zealand's most challenging civil engineering projects: rebuilding the earthquake damaged pipes, roads, bridges and retaining walls in the city of Christchurch 2011 - 2016.

Heritage guide for Delivery Teams

Story: Heritage Bridges

Theme: Construction

A guideline created for SCIRT Delivery Teams which outlines the requirements for working around heritage items.

This document has been provided as an example of a tool that might be useful for other organisations undertaking complex disaster recovery or infrastructure rebuild programmes.

For more information about this document, visit www.scirtlearninglegacy.org.nz



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The authors, and Stronger Christchurch Infrastructure Rebuild Team (SCIRT) have taken all reasonable care to ensure the accuracy of the information supplied in this legacy document. However, neither the authors nor SCIRT, warrant that the information contained in this legacy document will be complete or free of errors or inaccuracies. By using this legacy document you accept all liability arising from your use of it. Neither the authors nor SCIRT, will be liable for any loss or damage suffered by any person arising from the use of this legacy document, however caused.

Heritage Guide for Delivery Teams

SCIRT is repairing infrastructure all over Christchurch City, and some of this infrastructure has heritage importance. SCIRT teams may work to repair listed heritage items, or may be working on non-listed heritage infrastructure or infrastructure with no heritage significance that requires vehicles, plant or lay down areas in proximity to heritage items.

The purpose of this guideline is to assist Delivery Teams to understand the requirements for working around heritage items, and where to get assistance if needed.

Why is it important

The heritage items are Council Assets, just like a road, a pipe or a tree. They have value to the whole community and therefore should be protected.

It is a client expectation that SCIRT work is performed in a manner that preserves and protects heritage fabric. Where there is modification to a heritage item, this should be discussed with the Heritage Asset Owner's Representative, ideally during the design stage.

Different types of heritage items

There are two types of heritage items; those that are listed in the City Plan and/or registered by the New Zealand Historic Places Trust (NZHPT) and those that are not. It is easy for SCIRT staff to identify heritage objects that are listed in the City Plan or registered by the New Zealand Historic Places Trust during the design process, and discuss the repair or protection strategy with CCC Heritage Team. It can however be difficult to identify unlisted heritage items before construction starts.

The most common listed heritage items that SCIRT teams will encounter are heritage bridges. These are mostly located within the Central City.

Unlisted heritage items commonly encountered are plaques, hand cut kerb stones, early lamp standards, tram tracks, surveyors marks, building tiles and air vents. This is not a comprehensive list so if unsure, please ask the CCC Heritage Team.

Legal Framework

CCC holds a resource consent to repair listed heritage infrastructure, and to work in proximity to listed heritage items when repairing infrastructure (RMA92022494). Any pre-1900 items, and areas within the high Archaeological risk areas, are also subject to the SCIRT Archaeological Authorities.

Repairing Heritage Infrastructure

Note that the following sections relate to SCIRT repairs to listed heritage items (mostly bridges). The below sections are not relevant to Lyttelton retaining walls, archaeological finds, or unlisted heritage items.

What happens in design?

SCIRT and CCC have agreed on a process to manage heritage items. This is referred to as process SCT-007 and is attached for information. To summarise, the process requires that SCIRT designers consult with CCC staff on the proposed repair strategy for a listed heritage item. CCC Heritage Team staff also consult with the New Zealand Historic Places Trust during this process. By the time the project goes through the detailed design gate, the CCC Heritage Asset Owner should have signed off on the repair strategy. Unfortunately this process was only finalised in early 2013, so there is some catch up work to be done on the projects that had already been designed.

Questions on this process can be answered by the SCIRT Lead Designer or the Environmental and Planning Coordinator.

What happens in ECI?

The Delivery Team ECI contact needs to ensure:

- A Temporary Protection Plan (TPP) is written once the construction methodology is known.
- The TPP is signed off by CCC Heritage Asset Owner Representative and Heritage Team before work starts.
- Costs associated with heritage monitoring and advice are factored into the TOC if the SCIRT Heritage Consultant is required during construction (case by case basis).

What needs to happen on site?

Delivery Teams need to ensure:

- A TPP is in place before work starts.
- That any conditions of a Resource Consent for the work is clearly understood by all working on the site.
- Any temporary protection is installed and maintained, and any other requirements in the TPP are carried out (storage, repair, recording methodologies).
- A photographer is contracted to record the heritage structure before during and after work (if required).
- CCC Heritage Team are notified of the start work date and invited to a pre-start site meeting.
- A schedule of heritage monitoring visits is agreed with the CCC Heritage Team. This may be a frequency or the identification of hold points.
- The Site Engineer has the phone number of the CCC Heritage Team and communicates anything unusual or unexpected to them.
- An annotated photographic record of the work is provided to CCC Heritage Team after work is completed. William Fulton can do this work.

Working near heritage

You may not be repairing a heritage bridge, but what if your work site is near a heritage item? The first step is to consider whether or not a Temporary Protection Plan is required. If unsure, the Delivery Team Environmental Advisor or the CCC Heritage Team will be able to assist.

William Fulton is a consultant Heritage Architect who can draft a Temporary Protection Plan. Most commonly, this involves eliminating, isolating or minimising potential damage to Council heritage assets.

What if heritage is damaged?

If damage occurs to a Council heritage asset:

1. Stop working in proximity to the heritage asset.
2. Take any immediate steps to prevent further damage.
3. Call the CCC Heritage Team and your Environmental Advisor for advice.

The Delivery Team may be required to remediate any damage, depending on the situation and the advice of the CCC Heritage Team. It is important that you do not attempt to repair before receiving advice as this could result in further irreversible damage.

Key contacts

Note that the Christchurch City Council Heritage Team, Asset Owner Representative and the SCIRT Environmental and Planning Coordinator are free resources to Delivery Teams and subcontractors. William Fulton's time will be charged to the Delivery Team during the construction phase, and to the IST during the design phase.

Person	Contact Details	Role
CCC Heritage Asset Owner Representative		Sign off of TPP prior to construction Reviews and comments on the design
CCC Heritage Team Advisor		Provides expert heritage advice on design and construction Monitor the construction impacts on heritage fabric.
SCIRT Heritage Consultant		Write TPP on behalf of SCIRT Provide heritage advice to designers and to Delivery Teams
SCIRT Environmental and Planning Coordinator		Co-ordinate process Escalation in case of disagreement

Resources Attached

- A. Current List of Heritage Projects
- B. Heritage Toolbox for Site Crews
- C. Example Temporary Protection Plan
- D. Heritage Consent Responsibility Table
- E. SCT-007 Heritage Process Map

List of SCIRT Heritage Repair Projects

Structure & Location	SCIRT Project Number	Delivery Team	Year of Construction	Stage of Work
Antigua Street Footbridge	10464 Orange Team	Downer	1901 (previous bridge erected in 1868)	Construction to start in July 2013
Armagh Street Bridge – Hagley Park	10966 Blue Team	MacDow	1885	Detailed Design due Aug 2013
Armagh Street Bridge - City	10468 Orange Team	Downer	1883	Construction to start in June 2013 Possible re-design
Colombo Street Bridge	10467 Orange Team	Downer	1902	Under construction
Gloucester Street Bridge	11026 Orange Team	Fletcher	1886	Concept Design due Aug 2013
Victoria Street (Hamish Hay) Bridge	11026 Orange Team	Fletcher	1863	Concept Design due Aug 2013
Worcester Street Bridge	11026 Orange Team	Fletcher	1885	Construction to start in Aug 2013
Helmores Lane Wooden bridge	10970 Blue Team	MacDow	1866	Detailed Design was originally due Aug 2013. Timeframe revised to July 2014. Detailed design will probably not commence until 2014. This timeframe is subject to further change.
Bridge of Remembrance	10465, 10482 Orange Team	Downer	1924	Under construction
Hereford Street Bridge	10890 Orange Team	Fletcher	?	Detailed Design due November 2013

WORKING IN A HERITAGE ENVIRONMENT

First check to see if the building/place or object are listed registered as heritage items.

Some heritage is not registered or listed but is of archaeological or cultural value - tell-tale signs to look for:

- The general age of the built environment in the area;
- The age of the trees and general landscape of the area;
- Historic plaques in the ground or on items;
- War memorials, statues, monuments, cemeteries, etc.
- Watch for hand cut kerb stones, early lamp standards, tram tracks, surveyors marks, building tiles and air vents.



What effect will your work have on the historic environment?

Issues can range from the large such as the effects of vibration on built heritage to the seemingly small such as view shafts or fixing things (or not) to heritage items even if it is temporary.

Remember: It is an offence to do work that may affect an archaeological site without a written authority from the NZHPT.

- If you discover something unexpected – stop work and follow the accidental discovery protocol

If in doubt please ask

In the first instance contact the heritage team at Christchurch City Council:



Example Temporary Protection Plan

ACTIVITY	POTENTIAL RISK	MITIGATING MEASURES
<p>Deconstruction, documentation, recording and storage</p>	<p>Loss or damage to heritage fabric.</p> <p>Evidence of removed material's location in the building is forgotten or lost.</p>	<ul style="list-style-type: none"> · A photographic survey is to be maintained by the Conservation Architect, prior to work commencing and during dismantling, retrieval and storage. · Monitoring and subsequent photographic record of all works and discoveries shall be maintained by those above who shall be notified as soon as any discoveries become apparent. On instruction record and photograph and report at scheduled site meetings. · Record these significant elements using sketches, measured survey drawings and/or photographs. The record is to be maintained by the Conservation Architect. · The Conservation Architect should be on site throughout critical operations. The Conservation Architect is to sequentially photograph and record the dismantling work as it proceeds. · A record log of materials is to be maintained by the contractor during removal work. The log is to record the location of the material against a reference grid, and is to also reference the stored location of the material. The log is to be maintained in an electronic spreadsheet format agreed with the CCC.

		<ul style="list-style-type: none"> · The Conservation Architect and the CCC are to maintain a tracking log recording the movements of materials. Materials are to be stored on site in a secured yard by the Contractor and where required in a secured shipping container. Valuable and fragile fabric may be stored in the CCC storage facility. · If possible dismantle elements in sections that are as large as possible retaining the existing original fabric in an intact as possible manner. · Enable material to be removed and stored in the same sequence as it was dismantled to be able to salvage material. · Take material to a suitable storage area, where fabric can be identified. · Allow for sufficient space in the storage area allow sufficient space for suitable vehicular access.
Communication	<p>Heritage fabric either known or discovered may be</p> <p>at risk if intentions and subsequent actions are not discussed and decided upon by the contractor, client and heritage consultants.</p> <p>Instructions issued on site must come from one source.</p>	<ul style="list-style-type: none"> · Initiate a 'Heritage Site' briefing to all contractors and staff, consultants and work related visitors. · Hold a pre-construction site meeting prior to work commencing on each area of the arch and bridge, and then regular construction meetings (at agreed intervals) on site where heritage related issues are discussed and recorded. · Establish communication procedures for issues arising between site meetings. · Any work as a result of fresh discoveries should be done following the instructions of the Conservation Architect, Structural Engineer and Conservation specialists. All work is to be approved by the CCC Heritage Planners.

<p>Security</p>	<p>Out of hours construction sites are potential targets</p> <p>to damage and subsequent loss of heritage fabric.</p>	<ul style="list-style-type: none"> · The main contractor is to prepare a Site Management Plan including site access, positioning of site buildings, security and sediment control. This is to be submitted to the CCC. · Ensure the whole site is secure during the deconstruction and stabilisation contract period. · The security and safety of scaffolding, hoists, plant and equipment and the security fenced contractor's work and storage area is the contractor's responsibility. · Report on security at site meetings and take appropriate action as situations require. · Install security around all stored material to prevent theft. · If there is the potential for theft, remove especially significant elements to a more secure area. · Final security of the site each day is the contractor's responsibility. The Contractor will secure the bridge at the end of each working day. · The security and safety of scaffolding, hoists, plant and equipment and the security fenced contractor's work and storage area is the contractor's responsibility. · The Site Management Plan is to be approved by CCC. · Maintain existing cordons around the bridge. · Report on security at site meetings and take appropriate action as situations require.
<p>Weather protection</p>	<p>Damage to heritage fabric is possible when</p> <p>elements are exposed to the weather during the repairs. In this instance as the main structure is to be removed and refurbished off site, weather protection is a minor consideration.</p>	<ul style="list-style-type: none"> · Weather protection of any open sections of the fabric may be required depending on the time the effected fabric is left exposed. Weather protection is to be discussed with the Conservation Architect.

<p>Cranage, Sheet Piling Rig and heavy vehicles</p>	<p>The use of cranes or hoists will be required to remove the bridge arch structure and as part of the construction for piles/foundations to the abutments.</p> <p>Vehicle access and cranes need to be located within the Avon River environs that includes planting and mature trees.</p> <p>Sheet piling may have an impact on the neighbouring Antigua Boatshed (Heritage listed item)</p>	<ul style="list-style-type: none"> · Cranes are to be located in discussion with conservation staff. · Take care to maneuver the crane, hoist and vehicles around fences, hard landscaping, trees and planting. · Keep clear of tree trunks and provide protection around the trees where they are close. · Provide barriers around the drip-line circumference of the trees to keep vehicle movement away from tree roots. · Locate crane supporting legs and blocking clear of heritage fabric. · Monitor any impact ground vibration has on the adjacent Antigua Boatsheds.
<p>Construction of new abutments.</p>	<p>Removal of existing concrete abutments may have impact on neighbouring Heritage listed Antigua Boatsheds.</p> <p>Excavation of existing abutments may uncover previous bridge structure.</p>	<ul style="list-style-type: none"> · Assess the impact on the Antigua Boatshed complex when removing and reconstructing the new north abutment. · Involve NZHPT as the Archeaological Authority in any excavation work and discovery protocols.

Dust and debris	<p>The contractors site and construction area is located adjacent to the Avon, public roads, footpaths and public spaces..</p>	<ul style="list-style-type: none"> · Contractor to manage dust to avoid nuisance and discharge beyond the work site. · Debris is to be kept out of stormwater kerb channels. If required, provide a sediment filter trap to prevent sediment entering the stormwater reticulation system`. Check street crossing and kerb channel regularly for accumulated sediment and clean and remove as necessary. · Remove only debris from site. This is to remove the risk of heritage fabric being removed from site that may otherwise be required for restoration or interpretation purposes.
Removal, repair and reinstatement of original metal arches	<p>Damage to original fabric during the lifting and moving operation.</p> <p>Damage to original fabric during the cleaning and refurbishment work.</p> <p>Damage to the refurbished arches in the relocation process</p>	<ul style="list-style-type: none"> · Design and Monitor the lifting points as the bridge arches appear to be under tension. Support the arch as per Construction Methodology. · Provide contractor methodology for the appropriate paint removal system and new paint specification. · Provide necessary protection to Antigua Boatshed during the lift out and reinstatement of the refurbished arch structure

Heritage Consent Responsibility Table

RESOURCE CONSENT RMA92022494

Granted to:	Christchurch City Council, Civic Office
Heritage Consent	Global Heritage Consent
Date effective from:	11 July 2013
Date effective until:	11 July 2023

Responsibility:
Delivery Team
IST
Heritage Consultant

<u>Condition</u>		<u>Responsibility</u>	<u>Frequency</u>
1)	The works shall be undertaken in accordance with 'Process Plan SCT-007: SCIRT/CCC Management of Heritage Objects' (version 1.2 or later) as submitted with the application.	IST Environmental & Planning Coordinator to coordinate. Designers to action.	Ongoing during design
2)	That a photographic record of the affected areas as per the matters outlined in Vol. 3, Section 10, matter 1.3.5, Photographic records (Group 1-4 heritage items) be undertaken prior to commencement of any work and following the completion of the alterations to the listed structure and that this be lodged with the Council's Heritage Team Leader for their records within 3 months of completion of construction. High resolution digital images are acceptable. These should be provided on a disc with an accompanying annotated hard copy of the images as per the heritage team's protocols for recording heritage – further information can be supplied by the heritage team with regard to the annotated hard copy;	Delivery Team Site Engineer to organise photographer. SCIRT Heritage Consultant to create annotated photographic record and submit to CCC.	Ongoing during construction

3)	A Temporary Protection Plan (“TPP”) in accordance with the Councils guidelines (pamphlet no 14) and works methodology is to be developed in agreement with the CCC’s Heritage Asset Owner before any work commences on any heritage item covered by this consent;	Delivery Team Site Engineer to provide construction methodology to SCIRT Heritage Consultant. SCIRT Heritage Consultant to prepare the TPP and submit to CCC.	Once, prior to the start of construction
4)	A monitoring programme is to be developed in agreement with the CCC Heritage Team Leader and NZHPT before any work commences on any heritage item covered by this consent;	SCIRT Heritage Consultant to initiate during discussions with CCC on the TPP. Monitoring frequency or hold points to be discussed between Delivery Team Site Engineer, SCIRT Heritage Consultant and CCC.	Once, prior to the start of construction
5)	That all physical works affected heritage fabric be undertaken in accordance with the agreed TPP for the site. In addition, no listed heritage items shall be relocated or removed from their site without the agreement of the CCC Heritage Asset Owner;	Delivery Team Site Engineer	Ongoing during construction
6)	The removal of any original fabric from heritage items must be undertaken in accordance with an agreed TPP;	Delivery Team Site Engineer	As required
7)	That samples of any elements of original fabric removed and not to be reinstated are identified at the discretion of the CCC Heritage Team Leader and CCC Heritage Asset Owner. These samples are to be recorded and stored and retained for later interpretative purposes e.g. profiled or decorative stone, metal or timber elements. The storage and location of such material is to be determined in consultation with the Council’s Heritage Team Leader (or nominee) and the site project manager;	Delivery Team Site Engineer with advice from SCIRT Heritage Consultant if required	As required
8)	That any original material required to be replaced should be done so in a like-for-like manner, where practicable. For example, where any new stone work is required, this is to be matched as close as practicable with the original stone type, colour, density and, where possible, quarry source.	Delivery Team Site Engineer	As required

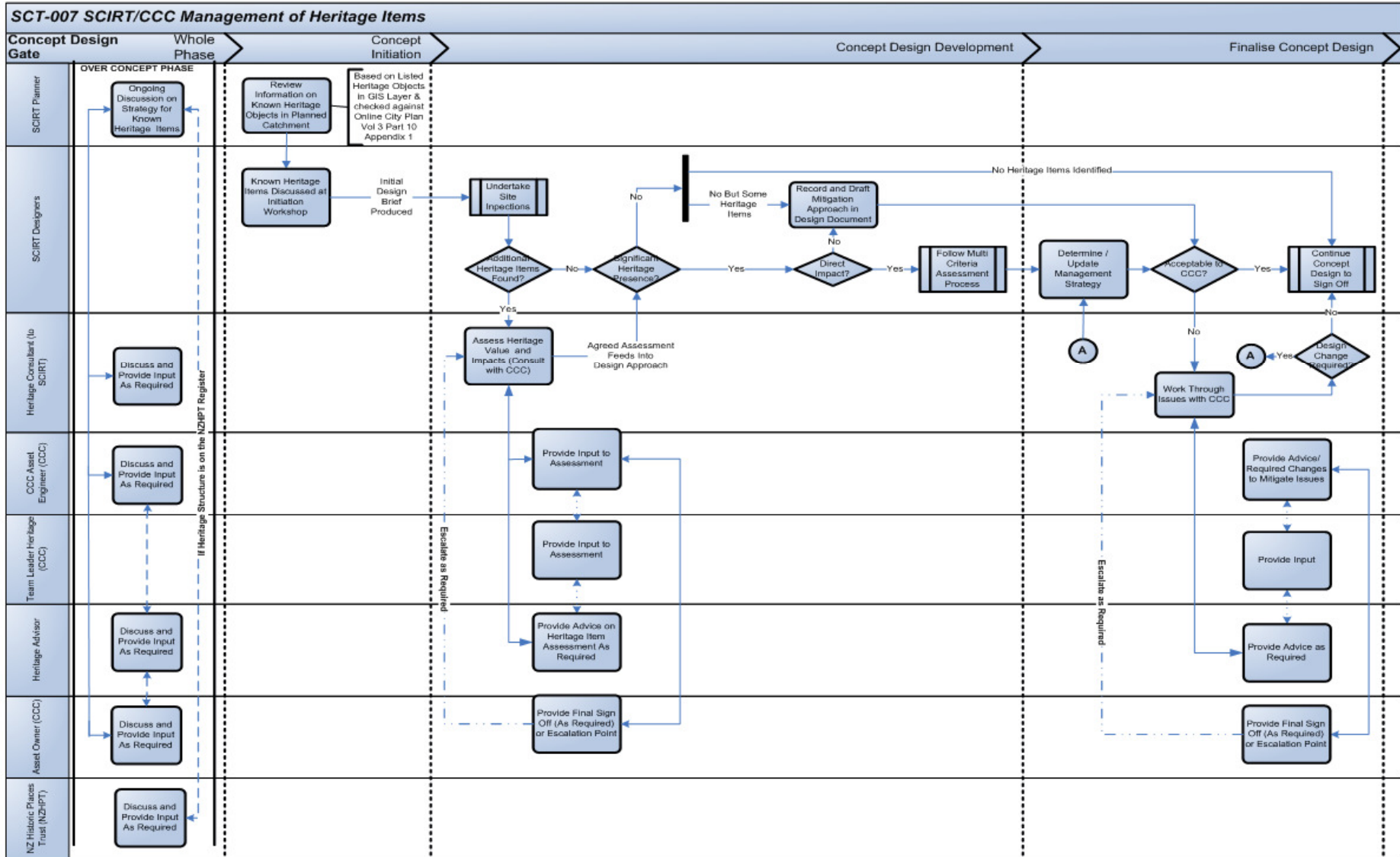
9)	All new material for example new stone or iron work on bridges shall be recorded and date stamped.	Delivery Team Site Engineer	As required
10)	That all works under this consent will be done in accordance with the SCIRT Archaeological Management Plan.	Delivery Team Site Engineer	As required
11)	That all physical works on the heritage structure are to be undertaken by a suitably qualified professional with heritage experience within that field. All work shall be overseen and monitored by a suitably qualified engineer, a heritage architect and craftsman with suitable heritage experience appointed by the Consent Holder in agreement with the CCC Heritage Asset Owner.	Delivery Team to select subcontractor(s). SCIRT Heritage Consultant to liaise with CCC.	Ongoing during construction
12)	Any works affecting other heritage structures not listed in the original consent application documentation will be agreed in consultation with the CCC Heritage Asset Owner, the CCC Heritage Team Leader and the consent holder's conservation architect prior to the commencement of work on that structure;	IST Environmental & Planning Coordinator	As required
13)	The consent holder shall notify the Council's heritage Team Leader at least 5 days prior to works commencing that are likely to affect the heritage item. The notification shall include the expected start date, duration of works and completion date;	Delivery Team Site Engineer	Once, 5 days prior to the start of construction
14)	The consent holder shall notify the CCC Heritage Team Leader once the repair of a listed heritage structure passes through SCIRT Gate 3 into Concept Design. The notification shall include a statement of the heritage value of the listed structure from a suitably qualified heritage specialist;	IST Environmental & Planning Coordinator	Once, as projects enter SCIRT Gate 3
15)	The consent holder shall not commence work or shall cease work if any unforeseen circumstances arise during construction that will result in a previously unanticipated impact on the heritage fabric of the structure. Five days notice, or less at the agreement of all parties, must be given to allow any changes to be discussed and agreed upon between CCC's Heritage Team Leader and the consent holder before further work is undertaken.	Delivery Team Site Engineer with advice from SCIRT Heritage Consultant.	As required

Advice notes:

1	All references to 'CCC Heritage Asset Owner' should be taken to mean the Asset Engineer (GreenSpace- Buildings and Heritage). At the time of this consent this role was held by Maria Adamski.	N/A	
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2	The applicant should undertake consultation with the CCC Heritage Asset Owner at the Concept design stage and work should not commence until approval has been granted from the CCC Heritage Asset Owner;	IST Environmental & Planning Coordinator	
3	The consent holder should undertake consultation with Ngāi Tahu with respect to works that effect areas of significance to Maori for example the Otakaro/Avon River and its immediate environs and in the Banks Peninsula area in general noting the silent files and areas such as Takapūneke and Ōnawe Peninsula;	IST Environmental & Planning Coordinator	
4	On particular sites the where the Department of Conservation (DOC) are the asset owners, DOC should be informed of proposals before work is undertaken;	IST Environmental & Planning Coordinator	Note that this is only the provincial Chambers site. Notification to DoC would be appropriate if any works on the Gloucester St Bridge will impact the Provincial Chambers site
5	Where applicable and appropriate, all work should be undertaken with consideration to the conservation principles contained within the ICOMOS New Zealand Charter for the conservation of places of cultural or heritage value and any relevant conservation plans;	SCIRT Heritage Consultant	
6	The appropriate principles outlined in any relevant Conservation Plans for listed items within the parameters of this global consent should be adhered to where possible and practicable;	SCIRT Heritage Consultant	
7	Where sites are pre 1900 the conditions of the SCIRT global archaeological authorities and Archaeological Management Plan under the Historic Places Act to destroy or modify the site will apply.	Delivery Team	
8	In the event of the accidental discovery of cultural/archaeological remains (e.g.: human remains, concentrations of shells, charcoal or charcoal-stained soil, fire-fractured stone, bottles, pieces of glass or ceramics, unidentifiable bones, etc.) during the undertaking of earthworks and/or the installation of services, the NZHPT accidental discovery protocol guidelines will apply. These require that all earthworks must cease immediately; and contact made with the Regional Archaeologist at the Christchurch office of the New Zealand Historic Places Trust, and that work must not recommence until approval in writing has been given by the Regional Archaeologist of the New Zealand Historic Places Trust, as required under the Historic Places Act.	Delivery Team	

Process



Appendix IX – Images (Figure Numbers Correspond to Figure Numbers in Document Text)

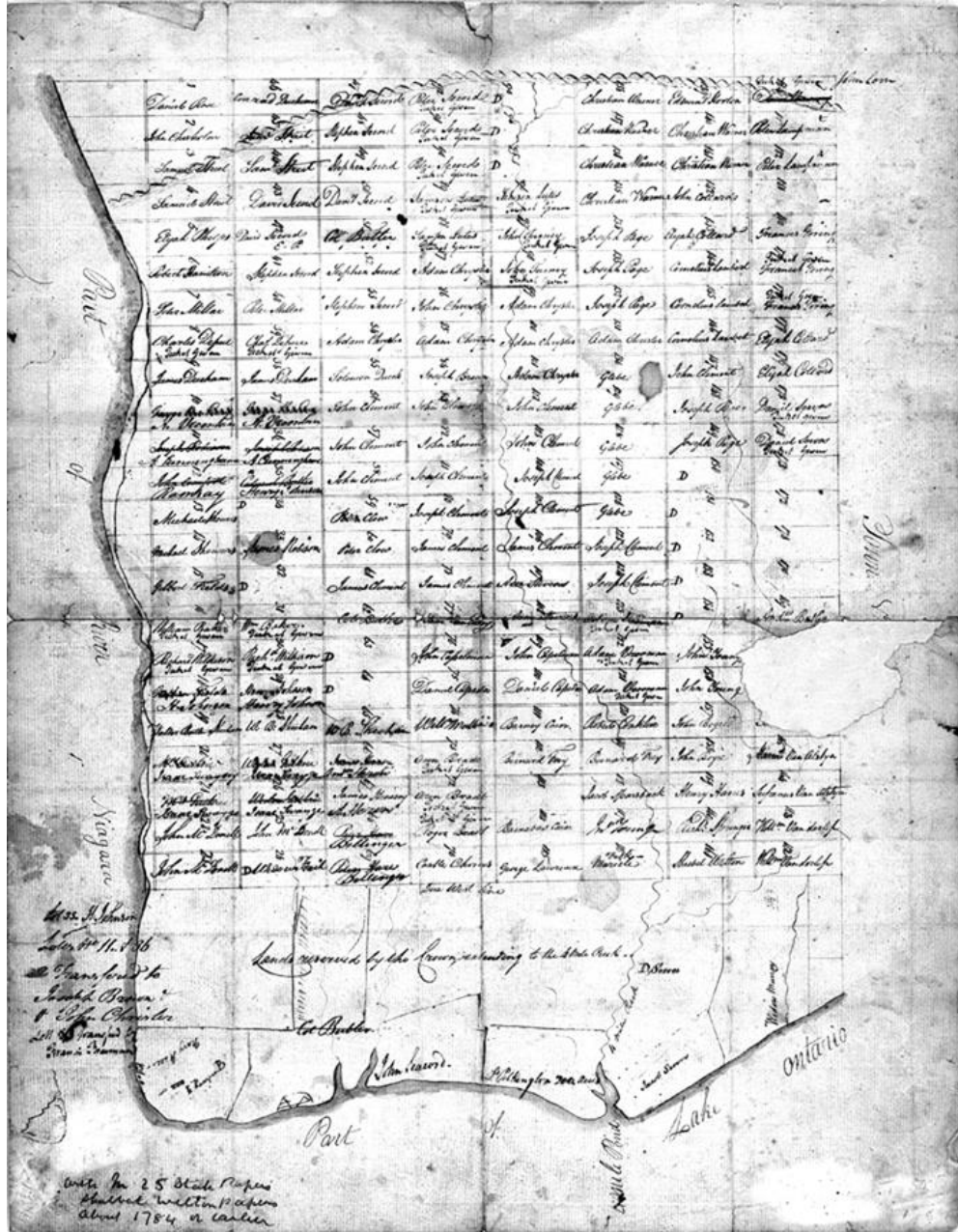


Figure 273: Niagara Township Plan A, Shubel Walton, Brock University Map Library

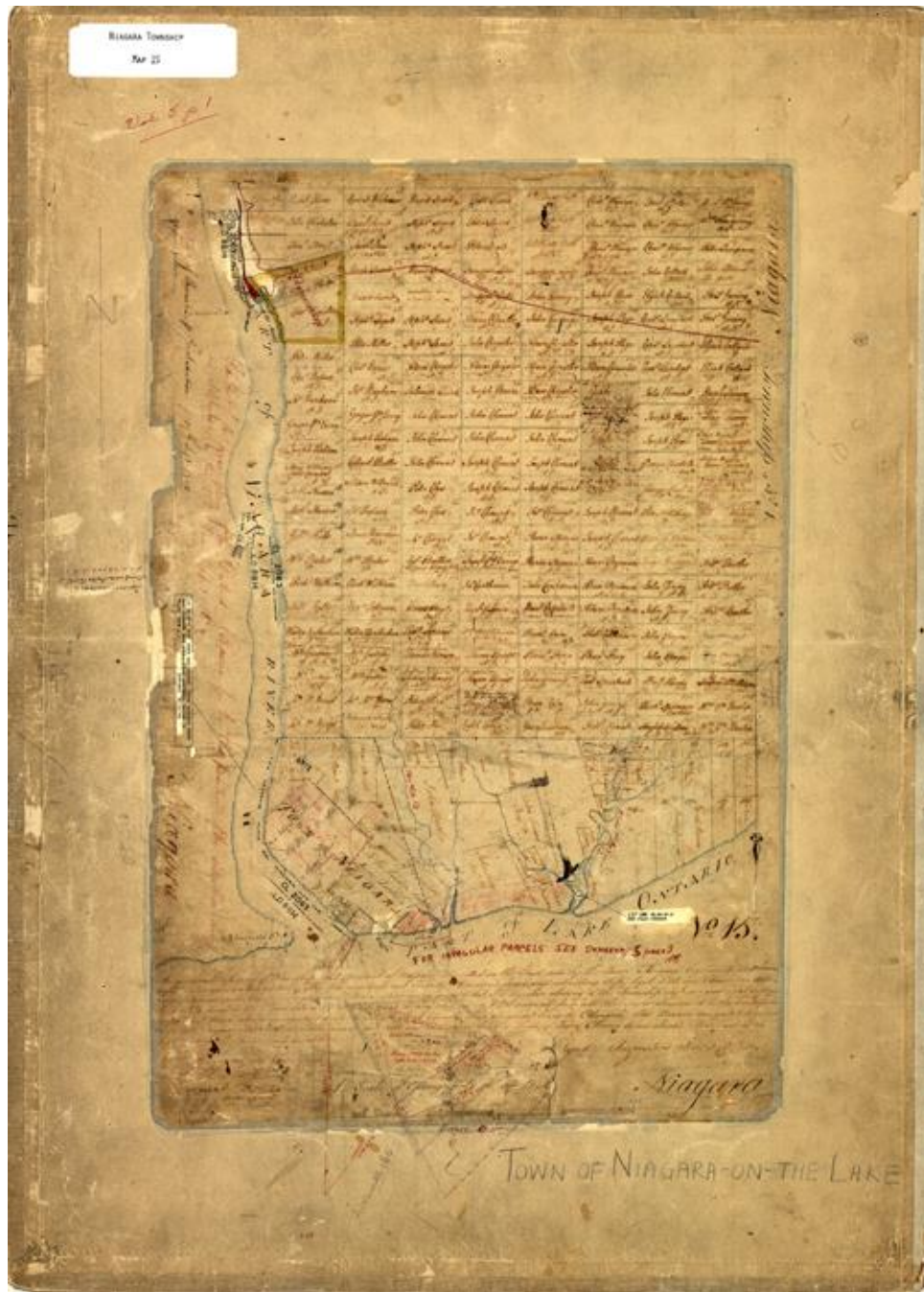


Figure24: Augustus Jones Map, 1789, Brock University Map Library

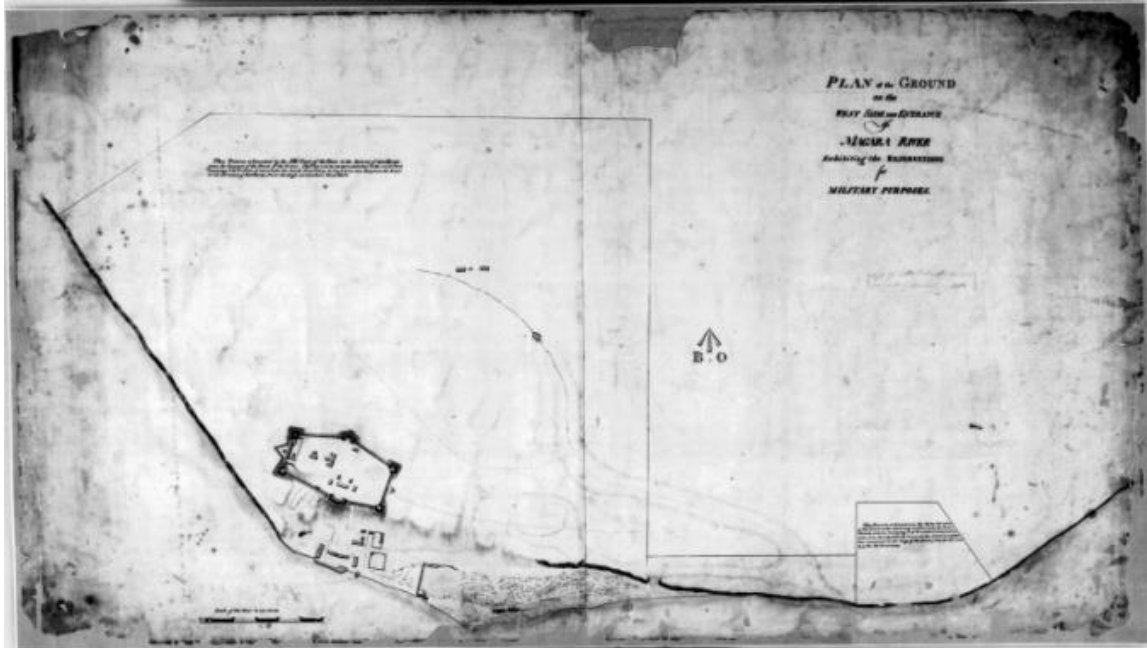


Figure 25: Niagara 1796, Military Reserve, Brock University Map Library



Figure 26: Gray Map 1810, Brock University Map Library, Historical Maps of Niagara Exhibit

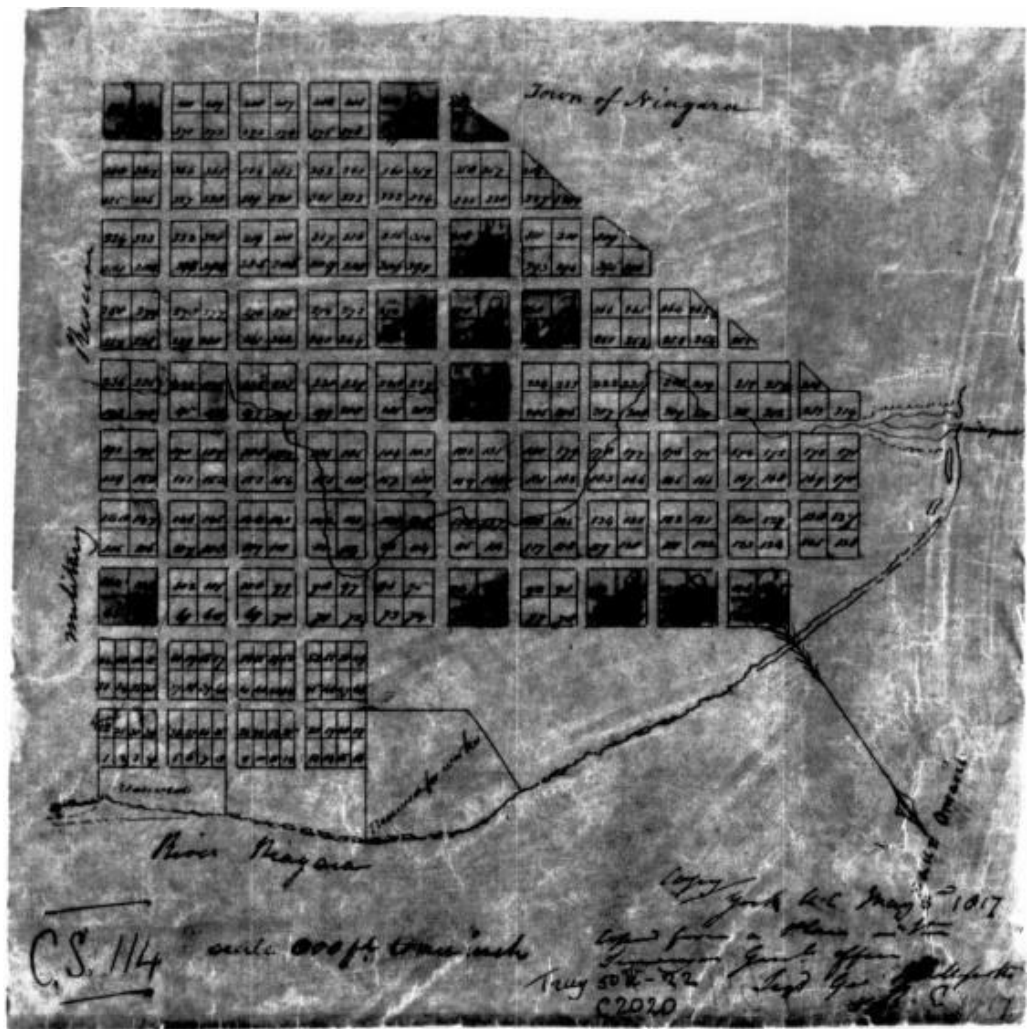


Figure 27: Niagara, 1817, Brock University Map Library, Historical Maps of Niagara Exhibit

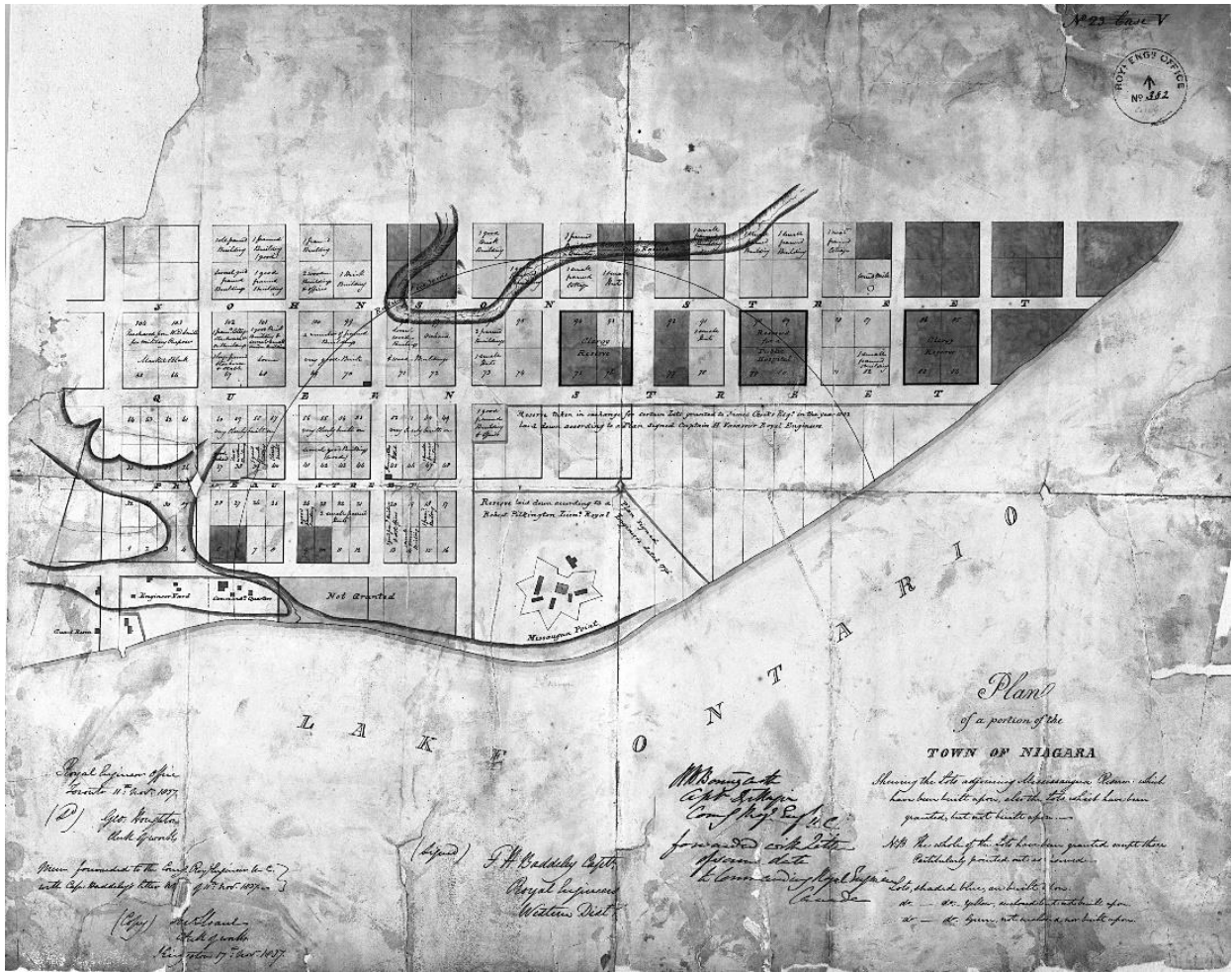


Figure 28: Niagara 1837, Brock University Map Library, Historical Maps of Niagara Exhibit

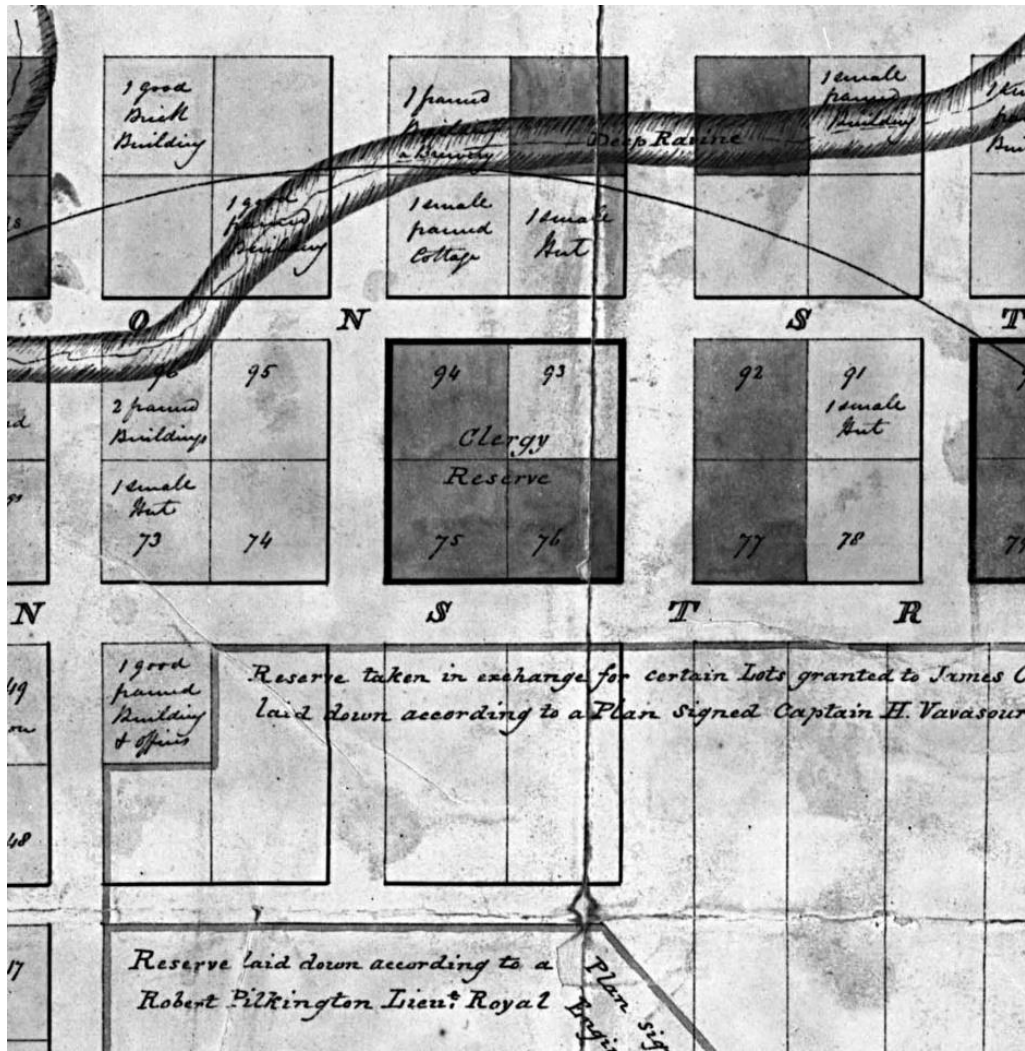


Figure 29: Detail: Vavasour Map, 1832, Brock University Map Library

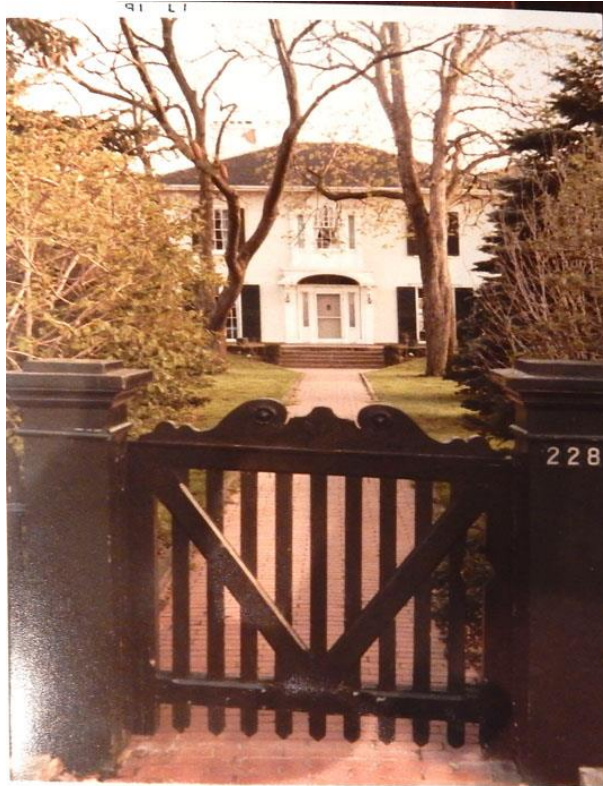


Figure 30: Possibly Mid 20th Century Photograph, Wooden Gate No Longer Extant & Simple Entrance Walkway, Niagara-on-the-Lake Historical Society Museum



Figure 281: Old Photograph with Wooden Fence and Gate, Before Alterations & Removal of Covered Porch, Niagara Historical Society Museum



Figure 292: 228 Queen Street, Façade with Pavilions, LDW



Figure 33: Peaceacres Detail of Loggia/Pavilion Looking Southeast, LDW



Figure 34: West Elevation, Rear Ell, Entrance Door, LDW



Figure 30: 228 Queen Street, Neo-classical Mantel, Main Floor, LDW



Figure 31: Neo-classical Mantel, Second Floor, LDW



Figure 32: Neo-classical Mantel, Second Floor, LDW



Figure 33: 228 Queen Street, Restored Greenhouse & Potting Shed looking West, LDW



Figure 39: Greenhouse & Potting Shed Looking Southwest, LDW



Figure 40: Well, Moved from Original Position, Looking North Towards Queen Street, LDW



Figure 41: 209 Queen Street (Charles Inn) from 228 Queen Street, LDW



Figure 42: 187 Queen Street, Facade, LDW



Figure 43: 175 Queen Street, Facade, LDW



Figure 44: 165 Queen Street, Facade, LDW



Figure 45: 157 Queen Street, Facade, LDW



Figure 46: 229 Simcoe Street, Facade, LDW



Figure 47: 235 Simcoe Street, Facade, LDW



Figure 348: 154 Queen Street, Facade, LDW



Figure 49: 164 Queen Street, Facade, LDW



Figure 50: 184 Queen Street, Facade, LDW



Figure 51: 284 Queen Street, Facade, Garden and Picket Fence



Figure 52: 180 Johnson Street, Facade with Addition and Landscaping



Figure 53: Clench House, 234 Johnson Street, Facade, Gate and Picket Fence



Figure 54: 292 Johnson Street, Facade, Gardens and Picket Fence

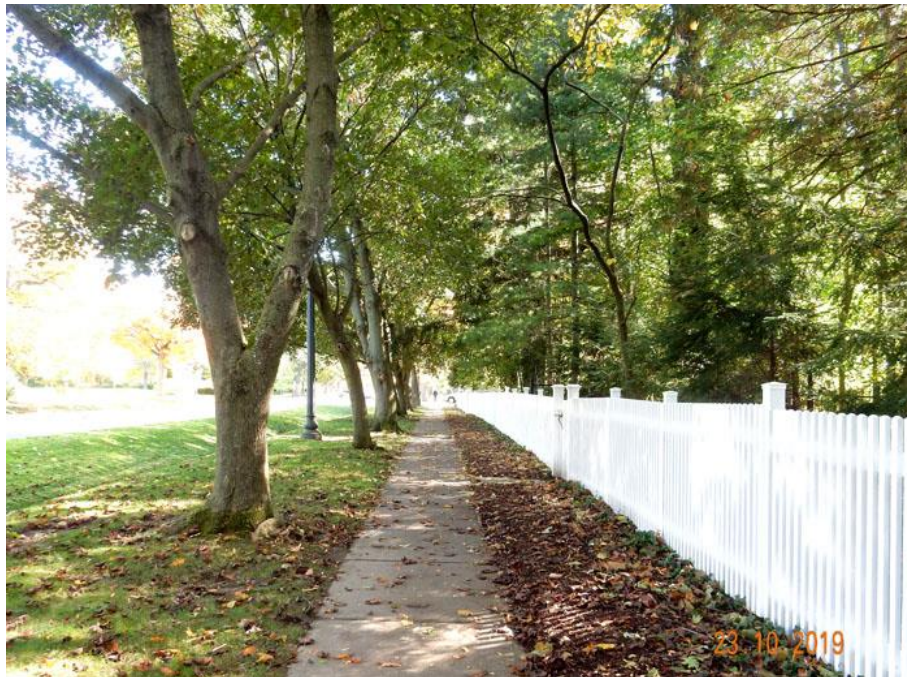


Figure 55: Streetscape, South Side of Queen Street Looking East Towards Mississauga Street



Figure 56: Streetscape, South Side of Queen Street at 228 Queen Street, Looking West Towards Mississagua Street



Figure 57: Streetscape, North Side, Niagara-on-the-Lake Golf Course with Lake Ontario Beyond



Figure 58: Queen Street Streetscape Looking Northeast, Simcoe to Gate, LDW



Figure 59: Queen Street North Side Looking West, Gate to Simcoe, LDW



Figure 60: Mississagua Street East Side Looking Southeast, LDW



Figure 61: Mississagua Street East Side Looking Northeast, LDW



Figure 62: View of Coach House & 241 Johnson Street Lot Looking East from Mississagua Street, LDW



Figure 63: Vacant Lot, 241 Johnson Street Looking Southwest from Mississagua Street, LDW



Figure 64: Johnson Street Looking Southeast from Mississagua Street, Clench House, Picket Fence & Garage, LDW



Figure 65: Simcoe Street Looking West, Line of Trees on Peaceacres Property, LDW



Figure 66: Simcoe Street Looking West, View of Peaceacres House & Greenhouse, LDW



Figure 67: Simcoe Street, New Home, Plan of Subdivision, Looking West, LDW



Figure 68: Simcoe Street Looking Southwest, New Home & View of 229, 235 Simcoe Street, LDW



Figure 69: Simcoe Street, 235 & 229 Simcoe Street Looking Northwest, LDW



Figure 70: 235 Simcoe Street & 229 Simcoe Street, Looking North Towards Queen Street, LDW



Figure 71: 184 Queen Street Viewed from Simcoe Street, Looking East, LDW



Figure 72: 241 Johnson Street, Vacant Lot Looking North, LDW



Figure 73: 233 Johnson Street Looking North, LDW



Figure 74: 225 Johnson Street Looking North, LDW



Figure 75 : Clench House, 234 Johnson Street Looking Southwest from Johnson Street



Figure 76: Johnson Street Looking East from Clench House, LDW

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<https://www.thecanadianencyclopedia.ca/en/article/upper-canada-land-surrenders>

Curriculum Vitae

LEAH D. WALLACE, MA RPP MCIP CAHP

15 Brock Street, RR#3, NIAGARA-ON-THE-LAKE, ONTARIO LOS 1J0

PRESENT POSITION Consulting Heritage Planner
Niagara-on-the-Lake

EDUCATION University of British Columbia
Master of Arts, 1978

University of Guelph
Honours B.A., 1973

PROFESSIONAL MEMBERSHIPS Ontario Professional Planners Institute (OPPI)
Canadian Institute of Planners (MCIP)
Canadian Association of Heritage Professionals

CAREER HISTORY

2016 – Present	Consulting Heritage Planner
2012 – 2016	Senior Planner, Town of Niagara-on-the-Lake
2000 – 2012	Planner, Heritage & Urban Design, Town of Niagara-on-the-Lake
1994 – 2000	Contract Heritage Planner Hynde Paul Associates Incorporated, St. Catharines
1984 – 1994	Planning Consultant, Robert J. Miller & Associates Ltd., Mississauga
1979 – 1984	Editor and Division Manager, Longmans Canada, Toronto

APPOINTMENTS AND AWARDS

2017	Member, Board of Directors, Lower Grand River Land Trust, Cayuga Ontario (Ruthven Park)
2007 - 2014	Member, Niagara-on-the-Lake Citizens' War of 1812 Bicentennial Committee and the Niagara Region Bi-national Bicentennial Working Group
2006 – 2018	Faculty Member, Willowbank School of Restoration Arts, Queenston
2002 – 2004	Municipal Sector Focus Group on Changes to the Ontario Heritage Act, Provincial Consultations, Ministry of Culture
2002	Member, Bi-national Coordinating Committee, First Bi-national Doors Open, Niagara Region
2000 – Present	Chair, Ruthven Park Building Conservation Committee Lower Grand River Land Trust
1999	Heritage Community Program Recognition Award, Ontario Heritage Foundation
1997 – 2000	Member, Ruthven Park Building Conservation Committee Lower Grand River Land Trust, Cayuga
1997 – 2002	Member, Bay Area Artists for Women's Art Hamilton-Burlington
1989 – 2000	Member and Chair (1991–1997), Local Architectural Conservation Advisory Committee Town of Flamborough

PUBLICATIONS AND PRESENTATIONS

Presenter, Ontario Heritage Conference (Ottawa), Municipal Grant Programs and Bill C323, Ontario Heritage Trust Session

Article, *Up in Flames*, Ontario Planning Journal, January/February 2015

Session Manager, National Trust for Historic Preservation (Buffalo, New York National Conference), Mobile Workshop – Adaptive Re-use of Culturally Sensitive Properties, Canadian Experiences

CIDA Sponsored Walking Tour and Public Planning Session, Niagara-on-the-Lake for Visitors from Xi'an, China Studying the Reconstruction of an Ancient Urban Area

Article, *Heritage Conservation Districts*, Heritage Matters Journal, March 2010

Presenter, Heritage Planning in Niagara-on-the-Lake in association with the Ministry of Culture and the Regional Municipality of Niagara, Association of Municipal Clerks and Treasurers of Ontario Conference

Restoration Case Study: Ruthven Park National Historic Site – Course Presented to Students at the School of Restoration Arts, Willowbank

Presenter, Heritage Conservation Districts – The Good, the Bad & the Ugly Canadian Association of Professional Heritage Consultants Conference

Presenter, Protecting Special Places: Tax Relief Incentives for Heritage Properties, OPPI/OALA Conference – Power of Place

Presenter, Co-curator, The Sacred Sites Tour, Art Gallery of Hamilton, An Architectural Evaluation of the Sacred Sites, The Art Gallery of Hamilton, Lecture Series

The Sacred Site Project, Research Project Exploring the Contemporary and Historical Relationships between Artists and Faith Communities in Hamilton-Wentworth, Art Gallery of Hamilton

Presenter, ARCHINET, An Interactive Guide to Canadian Building Styles Paper presented at Continuity with Change, the 1997 Community Heritage Ontario Conference, Huronia

Presenter, Flamborough and Its Community Identity, Wentworth North Riding Association Town Hall Meeting

Presenter, Suitable Housing for Arts Groups: The Planning Process, The Art of Coming Together Conference, Hamilton Artists Inc.

PROJECTS

ARCHINET, An Interactive Guide to Canadian Building Styles

Architectural and Historical Appraisal of the National Fireproofing Company of Canada (Halton Ceramics Limited) Burlington, Ontario, Architectural Conservancy of Ontario and the Burlington Local Architectural Conservation Advisory Committee

Municipal Register of Properties of Cultural Heritage Value or Interest (inclusion of non-designated properties), Town of Niagara-on-the-Lake, Project Manager

Community Vision Statement, Town of Niagara-on-the-Lake, Project Manager

Queen-Picton Streets Heritage Conservation District Expansion Study and Draft of Revised District Plan, Town of Niagara-on-the-Lake

Dock Area Public Realm and Urban Design Master Plan, Project Manager

Official Plan Review; Community Engagement Sessions, Background Reports, Heritage Policies, Third Draft of Official Plan, Project Manager

Heritage Impact Assessment, Plan of Subdivision, 1382 Decew Road, City of Thorold

Heritage Impact Report for Minor Variance, 32 Ivy Court (formerly 1382 Decew Road), City of Thorold

Heritage Impact Assessment, Hotel Expansion, 124 on Queen Hotel and Spa, Old Town, Town of Niagara-on-the-Lake

Heritage Permit and Minor Variance Application, 7 Queen Street (Exchange Brewery), Town of Niagara-on-the-Lake

Heritage Impact Assessment, Randwood Estate, Hotel Development, 144-176 John Street and Conservation Review Board Pre-hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 200 John Street & 588 Charlotte Street, Proposed Plan of Subdivision and Conservation Review Board Pre-hearing and Hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Report, 1317 York Road, Consent Application, St. Davids, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 240-246 Main Street East, Plan of Subdivision Application, Town of Grimsby

Heritage Impact Report, 705 Nashville Road, Proposed Demolition, (Kleinburg-Nashville Heritage Conservation District) City of Vaughan

Heritage Impact Assessment, 6320 Pine Grove Avenue, Severance Application, City of Niagara Falls

Built Heritage Assessment and Recommendations, 133 Main Street East (Nelles House), Town of Grimsby

Heritage Impact Assessment, 133 Main Street East, Application for Official Plan and Zoning By-law Amendments and Heritage Permit Application, Town of Grimsby

Ontario Land Tribunal Hearing, 133 Main Street East (Nelles House)

Heritage Impact Assessment, 95 Cline Mountain Road, Niagara Escarpment Commission Development Permit Application and Heritage Permit Application, Town of Grimsby

Peer Review of Cultural Heritage Impact Assessment, Proposed Development, Guelph Avenue, City of Cambridge

Heritage Designation Evaluation and Regulation 9/06 Review, 4105 Fly Road, Campden, Town of Lincoln

Heritage Impact Assessment, 4918 King Street, Beamsville, Town of Lincoln

Heritage Impact Assessment, Heritage Permit Application for Garage, 4918 King Street, Beamsville, Town of Lincoln

Cultural Heritage Assessment Report, 177 Byron Street, Town of Niagara-on-the-Lake

Heritage Impact Assessment Report, 3627 Campden Road, Town of Lincoln

Heritage Attribute Assessment, 1389 Progreton Road, Carlisle (Former Town of Flamborough), City of Hamilton

Heritage Impact Report, 17 Peel Street, City of St. Catharines (Port Dalhousie Heritage Conservation District)

Heritage Impact Assessment, 30 McLaughlin Road South, Brampton, Ontario

Conservation and Temporary Protection Plan, 9-11 Queen Street, Town of Niagara-on-the-Lake, Ontario

Heritage Impact Assessment, 262 Main Street West (Nixon Hall), Town of Grimsby, Ontario

Heritage Impact Assessment, 31 Queen Street South, Demolition and Construction of New Building, City of Mississauga (Streetsville)

Heritage Assessment Report for Owner, 491 Pearl Street, Burlington

Peer Review of Heritage Impact Assessment, 13 Mountain Street & 19 Elm Street, Proposed Development, Town of Grimsby

Peer Review of Heritage Impact Assessment, 140 Old Mill Road, Development Application for a Transportation Hub, Blair Heritage Conservation District, City of Cambridge

55-65 Park Street Heritage Report, Application for Zoning By-law, New Apartment Building, City of Brampton

Heritage Impact Assessment, 14 & 18a Lakeport Road, City of St. Catharines (Port Dalhousie)

Heritage Impact Assessment, 292 Main Street West, Application for Consent to Sever, Town of Grimsby

Cultural Heritage Evaluation Report, Statement of Significance, and Notice of Intention to Designate, 546 Ridge Road, Town of Fort Erie and Ontario Land Tribunal

Cultural Heritage Impact Assessment, 12879 The Gore Road, Caledon Ontario, Demolition Application

Cultural Heritage Impact Assessment and Commemoration Plan, 14785 Niagara River Parkway, Town of Niagara-on-the-Lake.

Cultural Heritage Impact Assessment, 3821 Main Street, Jordan, Town of Lincoln, Demolition Application, Zoning Amendment and Site Plan Application

Ontario Land Tribunal, 1 Burns Place, Town of Fort Erie