



REPORT

REPORT TO: Mayor R. Bonnette and Members of Council

REPORT FROM: Ashley Mancuso, Records / FOI Coordinator and Steve Burke, Senior Planner – Policy

DATE: October 12, 2008

REPORT NO.: CL-2008-0076

RE: A By-law to designate the property at 99 River Drive, known as Barber Paper Mill, as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*
Files: R01 BA / D00 BA

RECOMMENDATION:

THAT Report No. CL-2008-0076 dated October 12, 2008, regarding A By-law to designate the property at 99 River Drive, known as Barber Paper Mill, as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act* be received;

AND FURTHER THAT Council adopt a by-law to designate 99 River Drive, known as Barber Paper Mill, under Part IV of the *Ontario Heritage Act*.

BACKGROUND:

The following is a chronology of events that took place between serving the Notice of Intention to Designate Barber Paper Mill in September 2006 and the October 2008 submission of the Designation By-law as attached in Appendix A:

September 5, 2006: Council received Report No. PD-2006-0054, dated August 25, 2006, regarding an update on the status of the Heritage Designation – Barber Mill – Addendum to Report PD-2006-0037 and adopted the following recommendation:

Recommendation No. GC-2006-0315

THAT Report No. PD-2006-0054, regarding an Update on the Status of the Heritage Designation – Barber Mill – Addendum to Report PD-2006-0037, and Report No. PD-2006-0037 be received;

AND FURTHER THAT recommendation two of Report PD-2006-0037 be deleted and replaced as follows:

AND FURTHER THAT Council proceed with designation under Part IV of the *Ontario Heritage Act*, and that notice of the intent of Council to designate be given pursuant to Section 29(3) of the *Ontario Heritage Act*, on the basis of the following:

1. The Owner in a meeting with Town representatives on August 8th, 2006 advised of his recent uncertainty/concerns regarding the conditions of the current structures and his ability to restore and preserve these structures, and;
2. The Town, in response to this uncertainty, deems it prudent to designate the property for heritage purposes, pending continuing discussions with the property owner regarding his plan to preserve, protect and restore heritage elements.

AND FURTHER THAT recommendation 3 of Report PD-2006-0037 be deleted in its entirety.

AND FURTHER THAT recommendation 4 of Report PD-2006-0037 be modified as follows:

AND FURTHER THAT the applicant, 879662 Ontario Ltd., be requested to submit to the Town both an updated Engineering Assessment Report prepared by a qualified professional consultant which reviews the current conditions of the buildings and structures on the property and any mitigation measure which may be undertaken to protect and preserve these structures, and a Heritage Impact Assessment prepared by a qualified heritage consultant, describing the impacts of the proposed development on the significant heritage resources situated on the subject property, and detailing the mitigative measures or alternative development approaches to be pursued to ensure that the significant heritage resources on the property are conserved, with both reports being submitted to the Town by December 31st, 2006;

AND FURTHER THAT an additional recommendation be added to Report PD-2006-0037, which states as follows:

AND FURTHER THAT Council requests that Heritage Halton Hills comment on the draft terms of reference provided by Town staff for the Heritage Impact Assessment of the proposed development of the Barber Mill property.

AND FURTHER THAT an additional recommendation be added to Report PD-2006-0037, which states:

AND FURTHER THAT 879662 Ontario Limited, be advised that, upon receipt and review of the Updated Engineering Assessment report and the Heritage Impact Assessment, Council will consider a further review of the status of the heritage designation on the property, to assess the merit of any modifications to the designation on the property.

CARRIED

September 8, 2006: Notice of the Intention to Designate was circulated in the Independent Newspaper, forwarded by registered mail to the property owner(s), and sent by regular mail to the Ontario Heritage Trust and Chair of Heritage Halton Hills.

October 6, 2006: A Notice of Objection to the Designation of Barber Paper Mill, received via fax by the Clerk's Department, was submitted by The Ventin Group Ltd.

The Notice of Objection was received within the 30-day waiting period as prescribed by the *Ontario Heritage Act*.

October 19, 2006: As per the direction of the Conservation Review Board (CRB), the following documents were forwarded to the CRB: Certified copy of Recommendation / Resolution of Intention to Designate; Copy of Notice of Intention to Designate; Copy of Newspaper clipping containing Notice of Intention to Designate; Original fax copy of Notice of Objection; Original fax copy of Notice of Objection Correction; Original Affidavit; and a List of Names and Addresses of local newspaper and interested parties.

November 9, 2006: the CRB acknowledged receipt of all documents and prepared to schedule a pre-Hearing Conference (CRB File #2006-16).

March 19, 2007: Council authorized staff to retain the services of an outside solicitor to represent the Town as well as the services of a professional heritage consultant to provide expert testimony before the Conservation Review Board (CRB).

October 31, 2007: The CRB scheduled a Pre-Hearing Conference Call re: Objection to Designation of Barber Paper Mill. The Pre-Hearing included the following: property owner(s), staff of property owner(s), Town staff, legal representation for the Town, and two members of the CRB of which one acted as chair.

The CRB chair emphasized the Board's jurisdiction was limited to the merits of heritage designation and as such did not extend to any matters related to the planning applications for the property.

The CRB chair concluded there was no need to proceed with a Hearing as all parties did not dispute the merits of designation. However, the Town was advised that official withdrawal of the Notice of Objection by the property owner(s) was required in order to close the matter altogether.

March 4, 2008: A Withdrawal of Objection to the Notice of Intention to Designate was received via fax by the Clerk's Department. The withdrawal was submitted by the original objector, The Ventin Group Ltd., who noted that their objection was viewed by the CRB as separate and apart from that of the property owner(s).

March 10, 2008: the CRB acknowledged receipt of the Withdrawal of Objection (by the original objector) but noted that the CRB had not removed the requirement under the Act to act further on the matter as withdrawal of objection had not been received from the legal owner(s) of the property.

July 3, 2008: The CRB scheduled a second Pre-Hearing Conference Call re: Objection to Designation of Barber Paper Mill. The Pre-Hearing included the following: property owner(s), Town staff, legal representation for the Town, the original CRB chair and another member of the CRB acting as chair.

During the second Pre-Hearing Conference Call, the date(s) for a Hearing and a face-to-face meeting, to address the matters at issue, were scheduled. The CRB requested the Town meet with the property owner(s) to explain the implications of heritage designation of the property and the relevant legislation.

July 9, 2008: A meeting between the property owner(s), Town staff and legal representation for the Town was held.

July 21, 2008: The CRB confirmed the Conservation Review Board Hearing scheduled for Monday October 27, 2008.

September 9, 2008: The property owner(s) forwarded correspondence (dated September 5, 2008), rescinding their appeal, via fax to the legal representation for the Town.

September 24, 2008: The CRB acknowledged receipt of the correspondence (dated September 5, 2008) but requested clarification that the author of the correspondence had the authority to act as legal owner(s) of the property. A response was requested within a ten-day timeframe.

October 9, 2008: The CRB forwarded correspondence confirming acceptance of the withdrawal of objection to the Notice of Intention to Designate and that the "Town of Halton Hills can now proceed with the designation of 99 River Drive under s.29 of the Act and do so without the Board's further involvement".

COMMENTS:

The purpose of this report is to advise Council of the series of events that occurred between when the Notice of Intention to Designate Barber Paper Mill was originally served in September 2006 and the October 2008 submission of a designation by-law as attached in Appendix A.

On October 9, 2008, the Conservation Review Board (CRB) acknowledged receipt of Withdrawal of Objection of the Notice of Intention to Designate Barber Paper Mill.

Under Section 29(15) of the *Ontario Heritage Act*, "a person who has served a notice of objection under subsection (5) may withdraw the objection at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the clerk of the municipality and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the council shall act in accordance with subsection (6) as if no notice of objection had been served. 1996, c.4, s. 55(3)."

Although a Notice of Objection was received in October 2006, the objection has since been withdrawn and in accordance with subsection (6), Council may now proceed with formal designation of Barber Paper Mill through passage of a designation by-law or withdraw its notice of intention to designate.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates to the Town's desire to preserve, protect and promote our distinctive history, specifically strategic objective D.2 "To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas."

FINANCIAL IMPACT:

Legal costs have already been incurred, but the cost of retaining legal counsel and a heritage consultant for an actual CRB Hearing is no longer required.

COMMUNICATIONS IMPACT:

If Council decides that passage of a designation by-law for Barber Paper Mill, under Part IV is warranted, staff will serve notice of the by-law on the owner of the property and on the Trust, publish notice of the by-law in the Independent newspaper, and arrange for the by-law to be registered against the property at the Land Registry Office as per Section 29(6) of the *Ontario Heritage Act*.

ENVIRONMENTAL IMPACT:

There is no environmental impact associated with this report.

CONSULTATION:

The Clerk's Department and Planning, Development & Sustainability Department collaborated to prepare this report as both departments form an integral part in the chain of communication between staff, Heritage Halton Hills and the property owner(s) in terms of development, building, heritage permits and any other facet pertaining to heritage conservation.

CONCLUSION:

Two years have passed since the Town initially declared its intention to designate the Barber Paper Mill, but the reason for doing so remains unchanged:

“The Barber Paper Mill industrial complex dates from 1854 and represents the paper-making heritage that defined Georgetown until the late twentieth century. It was founded and operated by the Barber family who became leading industrialists in Canada West and Ontario. The site also employed the first industrial use of electricity, transmitted over a distance, in North America (1888).”

Heritage Halton Hills Designation Report
J.M. Rowe – March 4, 2004

It is recommended that Council adopt a by-law to designate 99 River Drive, known as Barber Paper Mill, under Part IV of the *Ontario Heritage Act*, in recognition of its heritage importance to the Town of Halton Hills.

Respectfully submitted,

Ashley Mancuso
Records / FOI Coordinator

Steve Burke,
Senior Planner. Policy

Debbie Edmonds
Acting Clerk & Manager of Standard
& Licensing

Bruce MacLean,
Director of Planning, Development &
Sustainability

Dennis Y. Perlin
Chief Administrative Officer



BY-LAW NO. 2008-****

A By-law to designate the property at 99 River Drive, known as Barber Paper Mill, as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*.

WHEREAS authority was granted by Council to designate the property at 99 River Drive, known as Barber Paper Mill, as being of cultural heritage value or interest;

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



AND WHEREAS the Council for the Corporation of the Town of Halton Hills has caused to be served upon the owners of the land and premises known as Barber Paper Mill at 99 River Drive and upon the Ontario Heritage Trust, Notice of Intention to designate the property and has caused the Notice of Intention to be published in a newspaper having a general circulation in the municipality as required by the *Ontario Heritage Act*;

AND WHEREAS the reasons for designation are set out in Schedule "A" to this by-law;

AND WHEREAS the Council for the Corporation of the Town of Halton Hills considers it desirable to designate this property as being of cultural heritage value or interest;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. The property known as the "Barber Paper Mill" located at 99 River Drive, Halton Hills, Part of Lot 18, Concession 10 (Esquesing), being shown as Parts 1, 2, 3, 4 and 5 on Reference Plan 20R-6738 and Part 1 on Reference Plan 20R-7026, in the Town of Halton Hills, in the Regional Municipality of Halton, is hereby designated as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act* for the reasons set out in Schedule "A" attached hereto and forming part of this by-law.
2. The detailed legal description of the property being designated is set out in Schedule "B" attached to and forming part of this by-law.
3. A copy of this by-law together with reasons for the designation shall be registered against the property and served in accordance with the provisions of Section 29 of the *Ontario Heritage Act*.
4. A notice of this by-law shall be published in accordance with Section 29 of the Act.

BY-LAW read and passed by the Council for the Town of Halton Hills this  day of , 2008.

MAYOR – Rick Bonnette

ACTING CLERK – Debbie Edmonds

REASONS FOR DESIGNATION
"Barber Paper Mill"

Description

The Barber Paper Mill was a late nineteenth century industrial complex on the banks of the Credit River in the Town of Georgetown. The site covers 5.24 hectares (12.9 acres). North of the remaining buildings is the original waterpower dam site. The complex included a boiler house, a three-storey finishing building, several machine buildings, bleacher building, an evaporator building, power building and race building. Building No. 3 (as shown on the attached drawing on Schedule A, page 2) incorporated the oldest structure dating back to 1854.

Heritage Value

The Mill represents the papermaking industry that was instrumental in the development of Georgetown. Founded and operated by the Barber family, leading industrialists in Canada West and early Ontario, the complex produced paper for all of Canada from 1854 until 1948. The paper industry was the leading Georgetown employer by the turn of the twentieth century and gave the town the nickname of "Paper Town". In 1888, with the construction of the dynamo downstream, the Barber Paper Mill was reputedly the first industrial use of electricity, transmitted over a distance, in North America.

The Barber Paper Mill was an excellent example of a late-nineteenth century industrial complex. No other industrial complex of this size remains in Halton Hills.

The remains of the Mill complex are located on the Credit River, contributing a distinctive character to the surrounding landscape. It has always been a local landmark and truly represents the community.

Character Defining Elements

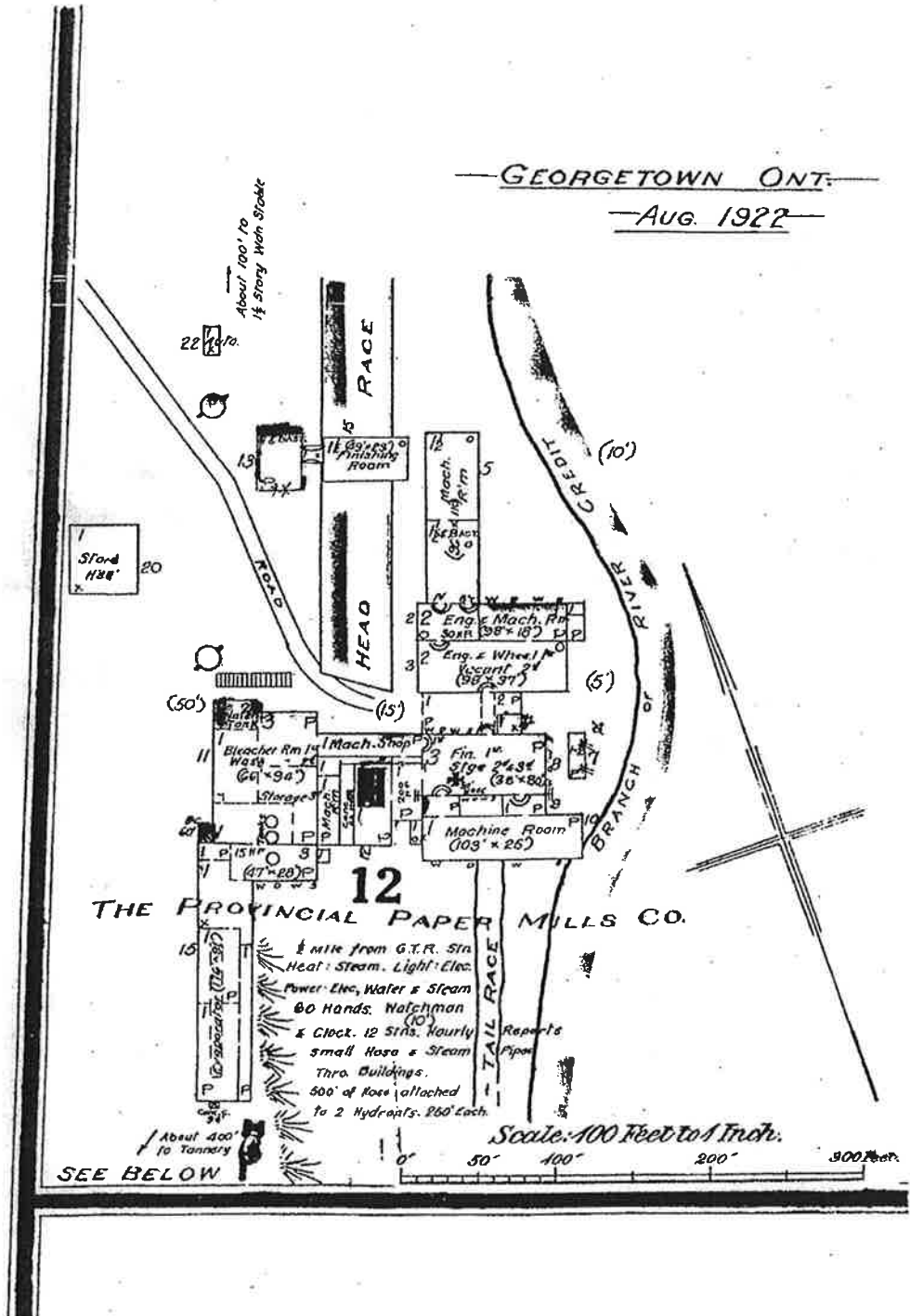
The site's excellent representation of a late-nineteenth century industrial complex is reflected in:

- The use of limestone as the principal building material.
- The "1854" date stone is set into Building No. 3 (as shown on the attached drawing on Schedule A, page 2) which has been dressed on the exterior.
- The oldest original building in the best repair is the 1858 three-storey finishing building No. 8 (as shown on the attached drawing on Schedule A, page 2).
- The 1888 buildings erected to house the electrical machinery. Built of stone, they are crowned with three rows of butt-ended yellow "Cheltenham" brick soffits.
- The 1888 boiler house No. 12 (as shown on the attached drawing on Schedule A, page 2) built of yellow "Cheltenham" brick.
- The only chimney remaining on site – a steel tube with a flared base, resting on a pier of limestone. It sits next to building No. 12 (as shown on the attached drawing on Schedule A, page 2).

The Mill's role as a pioneer in using electricity transmitted over a distance for an industrial use is reflected in:

- The small power building No. 7 (as shown on the attached drawing on Schedule A, page 2), on the riverside, originally for steam power in 1858, it became the connection point for the electricity generated downstream starting in 1888.

Fire Insurance Map of August 1922



SCHEDULE "B" TO BY-LAW 2008-****

Description

Part of Lot 18, Concession 10 (Esquesing), being shown as Parts 1, 2, 3, 4 and 5 on Reference Plan 20R-6738 and Part 1 on Reference Plan 20R-7026, in the Town of Halton Hills, in the Regional Municipality of Halton.