

January 22, 2019

By Email

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Chair of the Museum Committee County of Bruce
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Re: RFP #BCMCC-19-01 Purchase and Relocation of Residential House: Request that this RFP be immediately rescinded and that plans for moving the building off its site, or the demolition of the building be ceased.

Dear Mayor Twolan and Mayor Charbonneau:

My name is Jill Taylor. I am among a group of people in the Town of Southampton with whom I have spoken or corresponded, who oppose the removal of the historic Rectory building from its site, or its demolition, as described by the **RFP #BCMCC-19-01 Purchase and Relocation of Residential House (the RFP)**, issued by the County on January 8, 2019. Based on my review of the process and merits of the County and Townships actions to date, it is my conclusion that significant errors in process have occurred. Additionally, in my view the County and Township have failed in their obligations set out in the Planning Act (PA), the Ontario Heritage Act (OHA) and Provincial Policy Statement (PPS) to conserve significant heritage resources. For these substantive and procedural errors, **I herein request that this RFP be immediately rescinded and that plans for moving the building off its site, or the demolition of the building, be ceased.**

I have been a resident of Southampton at 2 Peel Street, where I have shared a home with my family for eighteen years. In addition to being a constituent, I am a professional architect and heritage expert. I have served as Chair of the Conservation Review Board for the Province of Ontario and was a President of the Canadian Association of Heritage Professionals, a pan-Canadian association. I have advised on the Ontario Heritage Act in my voluntary responsibilities as a committee member and chair, and in my heritage conservation and architecture practice over the past 30 years.

There can be no doubt that the property is worthy of listing based on the criteria under the OHA.

The exterior of the former Rectory at 254 High Street clearly demonstrates the following heritage attributes that would stand the property as worthy of listing on the municipal heritage register,

- its design and physical value, construction and high degree of craftsmanship,
- its historic and associative value within the community in a way that contributes to the understanding of the community, and
- its contextual value, as it is important in defining, maintaining and supporting the character of the area, is a landmark and is physically, functionally and visually linked to its historic surroundings.

It is my professional opinion that it therefore meets all three criteria discussed in the O.Reg 9/06, and is of cultural heritage value worthy of designation or listing.¹

The Request

Based on the following observations with respect to the substantive and procedural errors, and the lack of diligence on the part of the County, I herein request that this RFP be immediately rescinded and that plans for moving the building off its site, or the demolition of the building be ceased.

The Reasons

This request is made for procedural and substantive reasons including:

- lack of conformance to public policy and process
- lack of transparency of decision-making
- use of Closed Meetings to withhold information on the process of decision-making from the public
- inadequate processes related to the implementation of the Ontario Heritage Act
- lack of conformance to the Planning Act, the County Official Plan, the Town of Saugeen Shores Official Plan, the Provincial Policy Statement and the Standards and Guidelines for Community Museums, Ministry of Tourism Culture and Sport.

Interference with Existing Process Pursuant to Section 27 of the OHA

The process of listing 254 High Street on the Heritage Register, pursuant to Section 27 of the OHA by the Town of Saugeen Shores was improperly stopped during Council meetings in June 2018. This appears to have occurred based on information communicated that the owner of a property

¹ The property was scheduled to be listed on the municipal Register of Saugeen Shores, however was removed by amendment in June 25, 2018, pending further consideration by Council, which never occurred. Without further discussion at municipal Council, the County put forward a proposal to remove the building in a proposal for the Ontario Nuclear Innovation Institute and Archives combined. I submitted an email on the heritage value and its importance to the community on August 15, 2018 to Matthew Meade of the County, and prepared a more detailed report to Mathew Meade on the heritage value of 254 High Street on October 16, 2018 (both included in Appendix 1).

(the County) must first agree to the Listing of a property, which is not a requirement under the OHA. The County had just purchased the property on March 15, 2018.

The decision not to list on the Register taken by Council was based on confusion around the listing process, supposition that the listing would later come before Council (which it did not), and on the information available to some but not all Council members and not available to the public or the Heritage Committee, that the County might be planning to demolish the building for development of the site. In the decision of *Tremblay v. Lakeshore*, the Ontario Supreme Court of Justice found that it was improper and contrary to the intent and purpose of the OHA to require the consent of an owner prior to proceeding with the designation process. This would apply equally to the process associated with listing.

No Need for Removal or Demolition

The historic building is in good condition, as stated in the reports written at the time of purchase of the building by the County.

The County has rushed an RFP for Removal or Demolition; however, no provision has been made in the Strategic Plan of Bruce County for plans that require an Archives of the scale suggested. In fact, the strategic plans and feasibility studies on record indicate that the Archives can be much smaller than currently suggested, and can be expanded without the removal of the historic building from the site. Given that there is no demonstrated need for such a large expansion, no current allocation in the County budget for the physical expansion of the Archives, and no guarantee of funding from other sources for any expansion of the Archives at this time, there is no need to remove or demolish the structure.

RFP Tender Process and Call for Tender Document

The RFP demonstrates a lack of understanding of the process of tendering a move of a historic building, including the time that it would take for the preparation of a tender, lack of clarity in the tender documents, a lack of comparative analysis of criteria for assessment of multiple tenders, etc.

Any reasonable review of the Tender makes it clear this insubstantial and abbreviated process has been undertaken with a bias towards demolition as the outcome.

- The Tender was published on January 12, 2019 in the Saugeen Shores Hub, and on the Bids and Tenders Site, County of Bruce January 8. The closing date for the RFP is January 29, 2019, allowing only 16 working days for proponents or interested members of the public to become familiar with the terms of the RFP which call for Removal or Demolition
- The RFP calls for the lowest proposed price to purchase to be considered most highly rated, which is incongruent with the intent of the RFP
- The RFP is an inadequate example of a tender for moving a building
- The RFP does not include adequate information for a building mover to predict a price for moving the building, including the range of obstacles that are present within a reasonable radius of the property
- There is no basis on which the County can presume that the building can be moved to a local site in a way that is economically feasible, nor is there information in the RFP that

indicates that the preparation included the expertise of professionals who were familiar with the stages and considerations of a building move

- The County did not assess the move strategy from the point of view of financial viability for a potential bidder moving the building (providing land at cost, providing new foundations, providing services for the building, upgrading the building etc.). The costs of the bidder providing all of the above aspects of move and installation would likely substantially exceed the price the County paid for the property including its buildings
- There is no designated substance survey of the property provided to contractors
- The lack of diligence exhibited in the preparation of the RFP for the Removal of the Building (moving) demonstrates a lack of interest in moving, and a preference for demolition
- There is no provision for deaccession of the building from the collection of the Bruce County Museum, and
- There is no provision for salvage archaeology, or interpretation of commemoration, even though this is the site of a former building from 1857 as described by maps contained in the Bruce County Museum, and commemoration was a key element of the Ontario Nuclear Innovation Institute (ONII) plan.

The lack of diligence and rush to act exhibited in the preparation of the RFP for the Removal of the Building (moving) demonstrates the true lack of interest in moving, and a preference for demolition of the building.

Issue of Inadequate Notice to the Public for the Tender to Remove or Demolish in mid January 2019

A review of the process undertaken by the County demonstrates a rushed decision process, a preference for closed meetings and appears to be motivated to achieve demolition or removal before the public was aware of the issue.

- The County and Town were well aware that public opinion in Southampton favoured preservation of the historic Rectory on its site
- The decisions that led to the RFP tender for removal or demolition were made behind closed doors
- The County and the Town are well aware, based on acknowledged trends within the resident population, that the month of January is a highly unlikely time for residents of the Town or County to be reviewing the Saugeen Shores Hub e-news letter, or the Public Tender Website of the County for information on important actions by the County
- There was no mailing or public announcement of the decisions or process
- There was no opportunity for the public to provide a deputation to Town Council, or County Council, or to make a deputation to the Heritage Committee before the close of the RFP, because the schedule during the RFP period of January 8 – January 29 did not include public council meetings at either Saugeen Shores Council (next meeting February 11, 2019) or at County Council, or at the Municipal Heritage Committee following their appointment in early March 2019.

Opposition to Removal or Demolition is Well Known to the County and Town

There is a perception that the County and Town has proceeded in secret so as to avoid the public's demonstrated interest in the preservation of the building.

- Public opposition to misuse of the historic property through removal was communicated to the County and to the Town Council of Saugeen Shores by a very large group of people from the former Town of Southampton within which this property is located, during the late spring and summer of 2018, and into the fall election period
- Improperly low accounting of results of community opinion in favour of retention of the heritage building were reported to the August 5, 2018 County Council meeting
- The evidence of public opposition to misuse of the heritage property through demolition was seen in person by the County officials as well as councillors and mayor of the Town of Saugeen Shores, and can be reviewed in records of public meetings, in records of presentations to Town Council, in letters to County and Town Councils or councillors, in letters to the editor of newspapers, in personal discussion with councillors, and during candidates' meetings leading up to the fall municipal election of 2018
- The majority of people who expressed opinion regarding any plans to alter the property, or to accommodate new use on the County's recently purchased site at 254 High Street, opposed the alteration of the property and the former Rectory in any way that would have significantly and irreparably impacted its cultural heritage value, the landscape beauty of the site and its structures, or the role that this site has in the tangible and intangible history of the Town of Southampton.

In the opinion of many, the property and its residence should stay in place while being suitably altered for the use of the County museum as was previously planned, or for a similar use, or for residential, or office use. This advice was ignored.

Goals of Cultural Heritage Conservation Within the Municipality, County, Province and Country

The County has erred in understanding its own responsibilities to the 254 High Street property including the former Rectory in terms of the objectives, guidelines and regulations of provincial, county and municipal policy and should not have issued a proposal for removal or demolition based on the following,

- The property was purchased using funds from the Bruce County Museum
- The property is contiguous with the Bruce County Museum
- The building is being maintained through funds from the Krug Trust
- The lease monies coming to the County from the house are being deposited to the Trust
- The historic building is an aspect of the property that has historic and cultural value and interest to the values espoused by the Museum and can be seen as an artifact within the Museum property
- The Ministry of Tourism Culture and Sport Guidelines (MTCR) governs museum operation and policy
- The MCTCR calls for protection of heritage buildings on museum sites within the province, and protection of archaeology. Under the "Physical plant standard" the statement that would apply is A-1-b ("*... a community museum must ensure the design and layout of its building(s) and grounds ... are appropriate to the museum's statement of purpose ...*"; also, A-1-7 [the museum should] "*... maintain the historical integrity of its resources should it be located ... on a historic site ...*" [which would apply to the former Rectory and grounds]; and

the general statement under "Conservation Standard" ("*... responsibility to protect and preserve the collection entrusted to it ...*") (which would apply to the former Rectory building)

- The MTCR funds the Bruce County Museum for operating and capital grants. They would not favour this aggressive approach to a historic building site, and there is no evidence that they have been contacted prior to the call for Removal or Demolition of the historic building on the property to be put to use by the County Museum, purchased for the Museum and contiguous with the Museum property. This puts the Museum at risk and the County as potentially contravening the Guidelines, including for its operations
- The 2017 Feasibility Study, which did not discuss removal of the former Rectory as part of its plan, indicates that the Archives would be partially funded by grants from MTCR
- A federal grant was obtained for the feasibility studies that included the position that the former Rectory be maintained on the site
- A feasibility study for Financial Feasibility was conducted in 2017 that assumed the former Rectory was to remain on the site; the Museum Committee Meeting of April 6, 2017 indicate that this Study was funded (\$30,000.00) from the Krug Reserve Fund
- The proposal to demolish is contrary to the Provincial Policy Statement which describes requirements of protection for heritage property and requires that significant cultural heritage resources **shall** be conserved
- The proposal to demolish is contrary to the Official Plan for the County of Bruce, that describes the objectives of protection of heritage property including in provision 4.10.1 ²
- The proposal to demolish is contrary to the Official Plan for the Town of Saugeen Shores that describes the objectives of the protection of heritage property
- The proposal to demolish is contrary to the most recent Feasibility Study for the expansion of the Museum for Archives. This Study includes the retention of the 254 High Street building and incorporation into its plan; these plans were paid for by the County and donors and were reviewed by County Council in March 2017
- The proposal to demolish ignores that the majority of public input described by the report of Matthew Meade to the County dated August 5, 2018, (and subsequent public response in writing to the County acknowledged to have been received) indicated that the conservation of the former Rectory was favoured by the public.

The Property was scheduled to be listed on the Heritage Register by the Town of Saugeen Shores

The proposal for demolition is contrary to the intent of preservation and the determined effort by the Municipal Heritage Committee to have the property Listed on the Register.

² 4.10.1 Objectives

.1 Encourage the conservation of land, buildings and sites of historic, architectural and archaeological value.

.2 County Council encourages the identification, acquisition, restoration and conservation of the historical, cultural, architectural and archaeological assets of the County.

.3 In accordance with the Ontario Heritage Act, the County encourages Local Councils to support the creation of Local Architectural Conservation Advisory Committees to inventory and designate buildings, sites and districts of historical, cultural or architectural merit.

- The property was proposed by the Municipal Heritage Committee of the Town of Saugeen Shores to be on the list of properties to be included on the Register of Historic Buildings as described by the Proposed Heritage Register June 10, 2018.
- On June 25, By-law 55-2018 Heritage Register was amended by deleting 254 High Street from Schedule A, based on a Motion first brought forward by Mayor Smith, and then Motioned by Councillor Madison, and seconded by Councillor Charbonneau.
- The decision to remove from the Register was rushed, and was based on confused presentation of information (see, Video Record of the Council Meeting of June 25, 2018)
- The then Mayor indicated that the property be removed for the time being on the grounds that the County be extended the courtesy of further time to consider the listing on the Register
- There was discussion during the Council meeting that this was a temporary measure, and that demolition was not an issue
- Had this listing proceeded on schedule, or be subsequently listed as discussed during the Council meeting, its listing would have been an acknowledged part of its distinct profile as a heritage property, and consideration of an application for demolition would have been done by due process, including consideration of 60 days
- The Motion was not reviewed subsequent to the June Council amendment as suggested by the Mayor that it would be
- The Motion put forward by the then Mayor suggesting postponement of listing so the County could consider objection to disallow listing is contrary to the OHA.³

The Bruce County Archives Krug Reserve Fund Used to Purchase 254 High Street by the County

The County has not used the Krug Reserve Fund in a manner consistent with the bequest.

- A bequest of approximately \$500,000.00 was established as a reserve fund, consisting of the money received from the Estate of Bruce A. Krug in accordance with the provisions of his Last Will and Testament
- The monies were to be used for the Archives building for the storage and display of archives of the County, in memory of Howard and Bruce Krug (Bruce County By-law Number 2014-012)
- Studies were conducted in 2016 and 2017 for the expansion of the Museum for Archives expansion. The studies described functional plans and concept plans for Archives development that did not include the removal of the former Rectory
- The Bruce County Museum Feasibility study of March 2017 (Bruce County Museum and Cultural Centre Feasibility Study 08 Feb 2017, Museum Planning Partners. Museum Committee Agenda March 2, 2017) described the expansion of the Archives, using money from the Krug Reserve Fund, money from MTCR, money from the County and money from fundraising. The amount projected to be spent from the Krug Reserve Fund was \$500,000.00, for the purpose of capital construction cost of the Archives expansion, with no property acquisition. In March 2018, following on support or advice from the County, the

³ This was an error of process which undermines the obligation that municipal governments have to fulfill their statutory obligation pursuant to the OHA as demonstrated by the Tremblay v Lakeshore (Town) case considered by the Ontario Superior Court where the municipality would not proceed with a designation request under Part IV of the Ontario Heritage Act without the consent of the owner.

254 High Street property and building were purchased using the money from the Bruce Krug Reserve fund for approximately \$561,000.00

- The purchase of property from the Krug Reserve fund for approximately \$561,000.00 was not in the interest of the Fund as it was not described as an aspect of the use to which the money was to be spent, and because there is now little to no money left in the Museum fund to spend on expansion of the Archives.

The use of the fund and its depletion to the point where the Archives could not be built using that money was not in the interest of the fund. This is important to understand in the evolution of the purchase and then proposed removal and demolition of the historic building on the property. Demolition of a historic building would certainly seem to be contrary to the intent of Bruce Krug to preserve County history, which was his life long goal.

Adequate Potential for Adaptive Reuse Exists Within the Heritage Property, and Has Not Been Adequately Considered by the County

The proposal to demolish is contrary to the established guidance by the Province of Ontario on the retention of heritage structures on their own sites; the proposal does not consider the negative impact of the removal on the cultural landscape of the site, the heritage sites adjacent or the natural landscape or town environs

The former Rectory Building/Residence should be maintained on its original property as was its condition when the County purchased the property in the spring of 2018; this aligns with the studies done by the County to consider expansion of the Archives to parts of the property.

The building could be altered in an appropriate fashion by either making appropriately scaled, compatibly designed additions to the building that are appropriate for use by the County or by another party whose functional use is appropriate to the site and its environment. Such strategies are entirely in keeping with Standards and Guidelines for retrofit and adaptation of historic buildings, as described by the provincial and federal standards for responsible and sustainable use of historic buildings that are significant within their community.

It is acknowledged locally, provincially and federally that the **adaptation** of heritage buildings valued by the community is the best way to allow development for new use. The accepted guidelines for redevelopment which are considered best practice allow change as long as it is compatible development as described by,

- The Standards and Guidelines for Conservation of Historic Properties in Canada
- The Eight Guiding Principles in the Conservation of Built Heritage – Ontario
- The Provincial Heritage Toolkit.

Request

In summary, I request based on the above and other reasons that this RFP be immediately rescinded and that plans for moving the building off its site, or the demolition of the building be ceased on procedural and substantive grounds.

Yours truly,



Jill Taylor, OAA, FRAIC, LEED ® AP, CAHP, AIA Int'l. Assoc.
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Attachments:

Appendix 1 – Report to County of Bruce (Matthew Meade) re ONII, October 16, 2018

c.c. Mr. Murray Clarke, Acting CAO
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