

Royal Rose Court

May 8th, 2023

Heritage Impact Assessment

Rejuvenation of the Historical
Owen Sound Jail and Courthouse

Phase 1 - OPA/ZBA Submission

Prepared for:

FC Entertainment & Hospitality Inc.



**The heritage of the past is the
seed that brings forth the
harvest of the future.**

WENDELL PHILLIPS





Rethinking Architecture,
Sustainably.

May 8th, 2023

City of Owen Sound
Planning & Heritage Division
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To whom it may concern,

I am writing to introduce myself and express my excitement about the upcoming rejuvenation of the Owen Sound Historical Judicial Precinct. As a professional with extensive experience in heritage conservation and assessment, I am thrilled to have the opportunity to work on such an important and meaningful project.

The Owen Sound Historical Judicial Precinct is a unique and important part of our community's history and heritage. It is a physical manifestation of the evolution of the justice system in our area, and it stands as a testament to the values and beliefs that have guided our community over the years. As such, it is important that we take the time to understand the heritage value of this site and assess any potential impact that proposed changes or renovations may have.

My background in heritage conservation and assessment includes a range of projects, from small-scale renovations to large-scale developments. I bring a comprehensive understanding of heritage regulations, policies, and procedures, as well as a deep appreciation for the unique character and significance of historic sites.

I look forward to working closely with you and the rest of the team on this project, and I am confident that together we can develop an exciting and memorable reuse project that will serve as a valuable resource for our community for years to come.

Thank you for your time and consideration, and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Loucks".

Donald J. Loucks

MRAIC, CAHP

Heritage Impact Assessment:

Rejuvenation of the Historical Owen
Sound Jail and Courthouse

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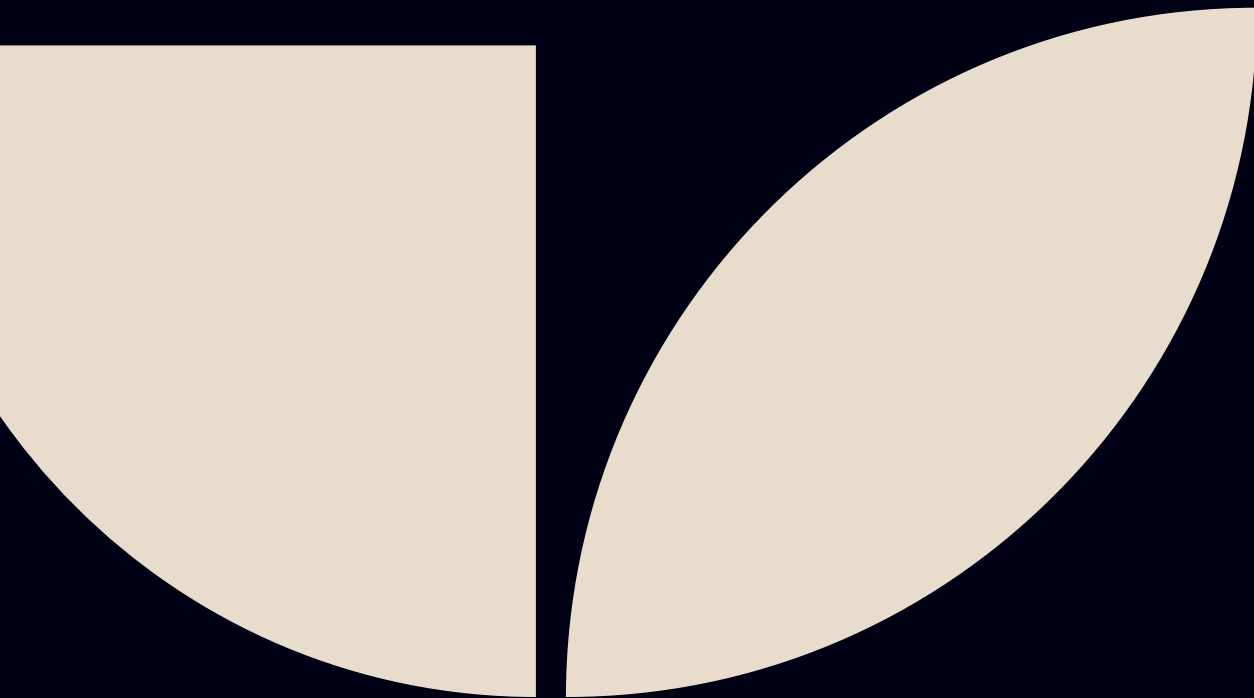
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Introduction



1.0 Introduction

1.1 Location and Description of the Property

The existing property combines the former Grey County Jail (the Jail), the Grey County Courthouse (the Courthouse), and the former Governor's House. Together, the lands are approximately 6,434 sm, having frontage on 3rd Avenue East and 4th Avenue East. Adjacent, but separate from the property is the North Grey County Land Registry Office.

The combination of these properties functioned as the Judicial Precinct until 1960, when the current offices of the County of Grey were built. The Jail opened in 1854 and was decommissioned in 2011 by the Ministry of Corrections.

The City purchased the former County Courthouse in 1960 and the Jail facility in 2013. The buildings became vacant in 2014 and the City declared the buildings and property surplus and had the lands listed for redevelopment/reuse. The current owner was selected by the City to purchase the property in 2022, as part of an ambitious rejuvenation and restoration project.

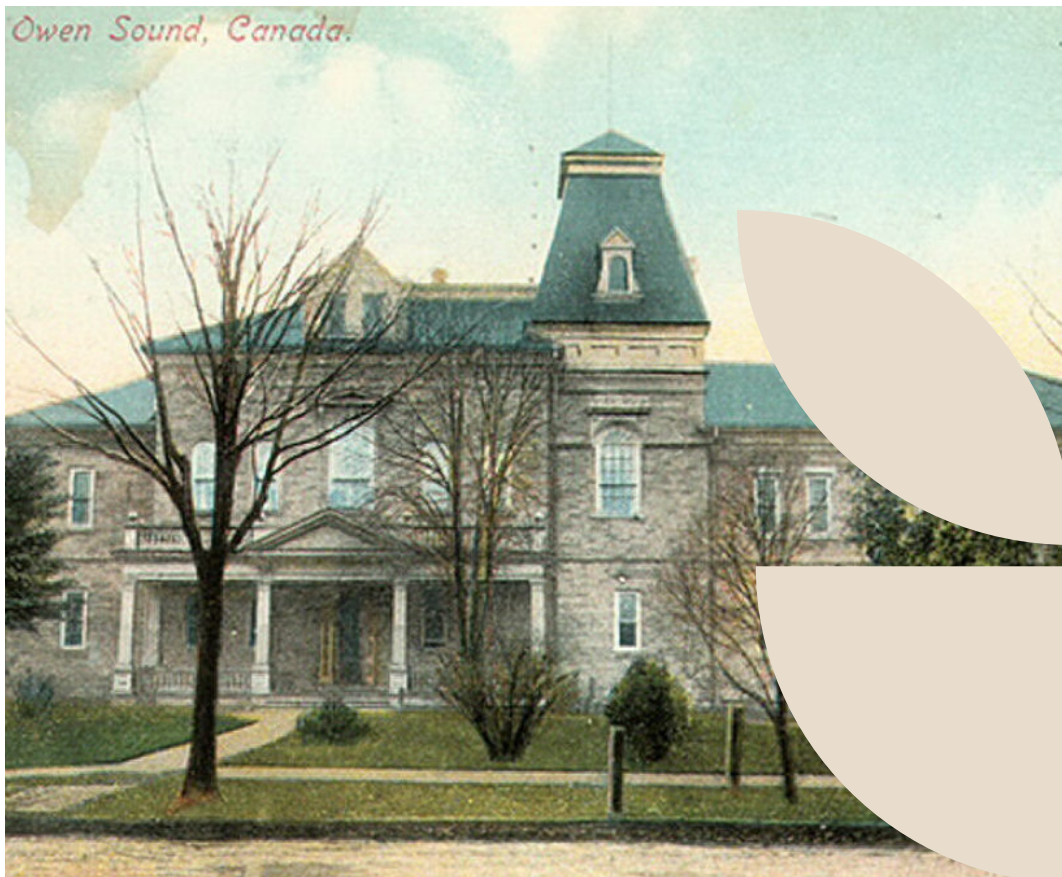


Illustration of the Owen Sound
Courthouse Building
(circa 1889)

1.2 Background and Description of Buildings

Summary of the Property History

As part of the development of new towns in Ontario, the installment of justice buildings, including courthouses, was always a high priority, and played an important role in the community. The most common solution was an amalgamation of services into a single judicial precinct, that in many cases merged the local government authorities with the judicial component.

Before the construction of proper Courthouses, it was common for court sessions to be held in local taverns, inns or in private homes. The jailer often had to keep prisoners in their homes. The village of Sydenham, renamed Owen Sound in 1856, was no different, and in 1853 with the increasing population, there was a clear need for the construction of a Courthouse and Jail.

A committee was set up to select an appropriate site to initiate construction for the new Courthouse and Jail, and settled on the present site on Third Avenue East between Twelfth Street and Thirteenth Street, and the initial plans of building in Victoria Park were refused by the Crown, who owned those lands at the time. Three designs were submitted after the committee advertised in the local newspaper for plans. The construction budget was capped at 3,500 pounds, and the selected designs were submitted by Day and Bruce Architects from Guelph, Ontario.

The Jail started receiving its first prisoners before construction being fully completed, and repeated escapes tainted the first years of the new building. The Jail received poor reviews, and there was a consensus that the building was not designed to accommodate the rapid growth of the population and the overall needs of a large county like Grey. After continuous complaints, a new Jail was built in 1869, and enlarged in 1877, with the addition of a third level.

Decommissioning and Transfer to the City

In 1960, with the construction of the new County office at 595 Ninth Avenue East, in Owen Sound, the County Council, County Court and Registry vacated the building. In February of that year, the City of Owen Sound purchased the Courthouse property from the County of Grey. The Courthouse served as the police headquarters until August 1985, when the police transferred to their current building at 922 Second Avenue West, Owen Sound.

The Courthouse was designated under the Ontario Heritage Act in March 1979 (By-law No. 1979-14) and was the first designated building in Owen Sound.

The city of Owen Sound listed the Courthouse building for sale in 1985, but was unable to sell the property. In 2011, the Jail and the Governor's House were also vacated and transferred back to the City.

Description of the Existing Buildings

Courthouse Building

Former Grey County Courthouse

Built in 1853 as the heart of the new judicial precinct, the Courthouse structure is the main architectural feature of the property. It is a 2-storey stone masonry building, that is in overall good state of conservation and has significant heritage value to the community of Owen Sound. The quality of construction and workmanship is visible and there is great value in rejuvenating this structure to its original state of conservation.

Based on historical photos, the original canopy at the main entrance is one of the most important architectural features that is missing from the current exterior elevation.

Governor's Residence

The Governor's Residence is a separate two and one-half storey building, built of red brick and connected to the Courthouse and Jail building. The building has been significantly altered throughout the years to accommodate various functions, including female cells on the second-storey. A one-storey garage wall also added to the building and numerous small building additions at the back to support the Jail building.

Jail Building and Walls

In association with the Courthouse, the former Grey County Jail has a direct association with the history of the county of Grey and the City of Owen Sound. The Jail building is in very good condition, due to the good construction and materials, and is a materialized example of the evolution of Jail architecture in Ontario from the 1850's to the 1970's.

The 1854 Jail is of particular interest because of its form, that creates a unique and interesting courtyard between the Jail and the Courthouse building.

The second-phase expansion, dated 1869, is of robust construction and maintains most of its unique architectural details intact. It's a rare example of the evolution of the Jail system of Ontario, and maintains most of its original features.



Historical Grey County
Courthouse Building
(2021) - FC Entertainment &
Hospitality



Governor Residence Building
(2022) - Boldera Architects



Jail Building and Exterior Walls
(2022) - Boldera Architects

1.3 Property Evolution

YEAR	ACTIVITY OR EVENT DESCRIPTION
1853	Courthouse Construction
1854	First Phase of Jail Completed
1855	Land Registry Office Completed
1869	Second Phase of Jail Completed
1877	Third Phase of Jail Completed
1885	Addition to the Courthouse (South)
1888	Addition to the Courthouse (Tower)
1889	Governor's Residence Completed
1960	Courthouse Moves to New Facility
1960-2011	Jail Operated by Province of Ontario
1975	Courthouse Designated under the Ontario Heritage Act
1979	Alterations and Upgrades to the Governor's Residence
1985	Courthouse Listed for Sale by the City of Owen Sound
1986	Courthouse Taken Off the Market by the City of Owen Sound
2011	Jail and Governor's House Vacated
2011-2012	Jail Transferred Back to the City of Owen Sound
2011-2019	Vacancy of all Buildings
2014	City Declares Buildings Surplus
2019-2020	City Requests CHER and HIA (Taylor Hazell Architects Inc.)
2022	City awards sale of site for reuse and revitalization to FC Entertainment & Hospitality

1.4 Proposed Activity and Purpose of Activity

A Heritage Impact Assessment for the former Grey County Courthouse, Jail and Governor’s House, has been requested by FC Entertainment and Hospitality, in advance of a comprehensive adaptive-reuse and rejuvenation plan for the property.

In 2020, when the City was exploring different reuse/redevelopment options for the property, an HIA was requested to assess the impact of the removal of the Jail and Governor’s House. The HIA reinforced the heritage significance of the Jail, but, in an effort to facilitate reuse/redevelopment, proposed different scenarios for partial demolition of buildings, including the Governor’s House and accessory structures from the property.

Notwithstanding these earlier recommendations that partial demolition may occur, the proposed reuse project is seeking to achieve a significantly higher standard of heritage conservation, as it does not contemplate the demolition of any building of cultural heritage value, and intends to renovate the main structures to their original state, with minor modifications, creating a positive impact on the property.

The proposed reuse programme for the buildings shall include two event venues, restaurants, business offices and an interactive heritage feature.

An HIA was considered fundamental as a guideline for the preparation of the architectural design. This Phase 1 HIA has been undertaken in support of applications for Official Plan and Zoning By-law Amendment, which will establish the land reuse project. Additional evaluation and analysis will be provided in the Phase 2 HIA as part of the future Site Plan application, when additional design details will be established.



Illustration of the proposed
entrance canopy.
Boldera Architects ©

1.5 Overview of Potential Impacts to the Cultural Heritage Value of the Property

This HIA has assessed the impact of the proposed alterations and considers that the proposed plan will have a positive impact. Removing the accessory structures that have been added over the years and have no historic value, will also have a positive impact on the heritage value of the property.

Summary of Proposed Measures

- Removal of the unnecessary accessory structures from the property;
- Rejuvenation and reconstruction of missing elements of the facade of the Courthouse building;
- Rejuvenation of the Governor's Residence;
- Removal of the garage structure adjacent to the Governor's Residence;
- Rejuvenation of the Jail Building;
- Reconstruction of the original landscaping features and driveway access on 3rd Avenue.



Illustration of the proposed exterior alterations.
Boldera Architects ©

Statement of Cultural Heritage Value



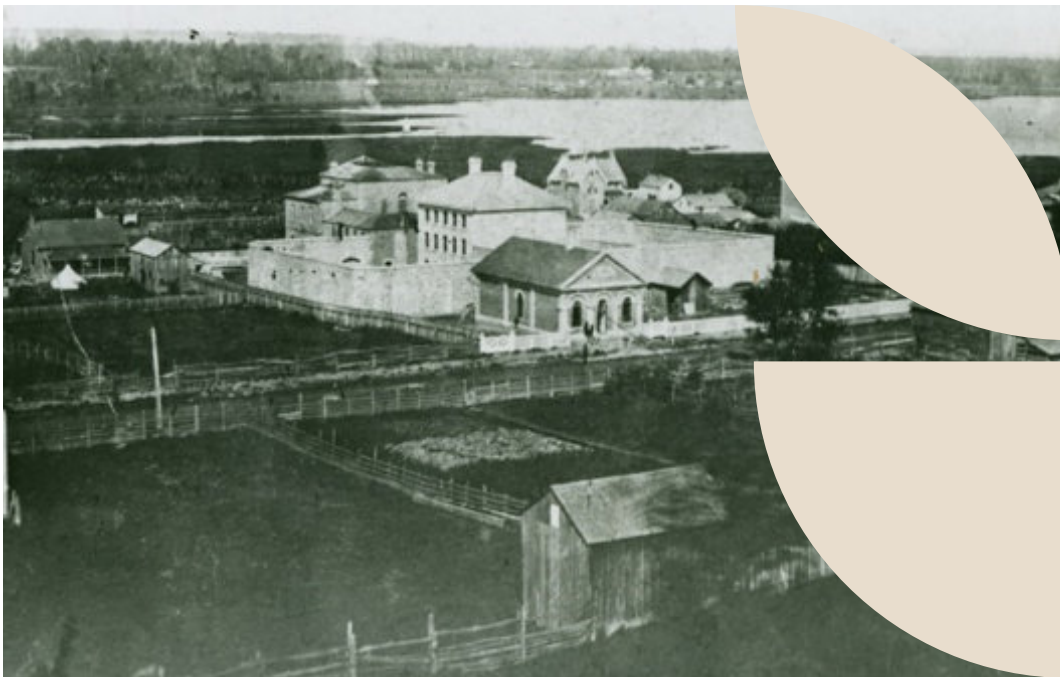
2.0 Statement of Cultural Heritage Value

2.1 Heritage Description

Former Grey County Courthouse, Jail and the former Governor's Residence - 1235, 1259 3rd Avenue East, Owen Sound, Ontario. The Courthouse is designated under the Ontario Heritage Act. The Jail and former Governor's Residence are listed on the Owen Sound Register of Properties of Cultural Value or Interest.

Roll #: 425901000366000000

Legal Description: Pt Lots 15&16, Bay St E/S, Hill St W/S, RP 16R10312 Part 1



Owen Sound Historic Jail and Yard Walls
View from Southeast (circa 1870)
Grey County Historical Society

Contextual Heritage Value

The Courthouse, Jail and Governor's residence buildings form the former Grey County judicial precinct, and are located between 3rd and 4th Avenue, in a mostly residential area of the City of Owen Sound. These buildings were built in separate phases, and have played a significant role in the architectural identity and heritage of the City of Owen Sound. The combination of these buildings with the Registry Office, served as the county administrative complex, until decommissioned.

The complex is clearly visible from 3rd Avenue East (Courthouse, Governor's Residence, and Jail Yard Walls) and from 4th Avenue East (Registry Office, Jail Yard Walls, and a portion of the top of the third-floor Jail extension of 1877). The existing limestone Jail Walls provide a distinct character to the landscape of 4th Avenue, as the majority of buildings are residential.

The Courthouse building is physically connected to the 1954 Jail and the Governor's Residence (1889), and together form a unique landmark feature, that is contrasting with the neighborhood. The complex is visible on both 3rd and 4th Avenue, and the tower of the Courthouse can be seen from multiple locations and angles of the City.



Grey County Courthouse Building
Front Elevation (circa 1920)
Grey Roots Archives

Historical Value

The history of the administrative complex and the evolution of its buildings is intertwined with the history of the City of Owen Sound. It reflects the growth and the evolution of the community, and as so, has significant historical value.

The first building to be erected was the Courthouse, in 1853. With the increasing population, the construction of judicial infrastructure became a high priority for the former village of Sydenham, renamed Owen Sound in 1856. The village had a harbor, three tanneries, three blacksmiths, a foundry, abundance of retail and five churches.

An official committee was established to oversee the development of the new Courthouse, and once the location of the building was selected, a formal advertisement for plans was issued in four local newspapers. The local newspaper, The Comet, advertised the following:

“Notice to Architects

Plans, Specifications and Detailed Estimates are required for A Jail and Courthouse. In one building, to be erected in the town of Sydenham in the County of Grey. The said building is not to exceed 3500 pounds; to contain Courtroom, Grand, and two Petty-Jury Rooms, Debtors’ Rooms, Gaoler’s Rooms, and Kitchen, and Entrance Hall. The Building to be of stone, coursed with hammered quoins at the angles, lined with bricks inside, and brick partitions. The cells to be formed of squared timber. The yard to be enclosed with a stone wall all around.”

In 1854, the Courthouse and the first phase of the Jail had been completed and enclosed. The Jail was configured in two L shaped wings, attached to the Courtroom, creating a yard between the two buildings. The original Jail was not very large, and in later years, a sequence of additions were made and walls were erected around the yard. Before the erection of the yard walls, there was a wooden fence surrounding the yard and escapes were very common.

Repeated escapes tainted the reputation of the new Jail, and the building received negative reviews from inspectors, highlighting the insufficiency of the structure for a growing population and a large county. Main complaints included the lack of sufficient supply of good water, the cess-pool in the back of the Jail, the insecurity of the walls, and a poorly draining jail-yard.

The Jail was eventually expanded in 1869, with a new two-storey Jail building with cells on the ground and second floor, following the standard of other similar jails built in the same period. The new structure was built of local limestone blocks and had circulation throughout its perimeter. At the same time, the high stone yard walls were erected in the same configuration as we see them today. In 1877, a third storey cell block was added, identical to the second-storey, and the roof and chimney we can see today.

The 1854 Jail block was altered to accommodate the jail kitchen, offices and other administrative spaces, before the Governor’s Residence was built.

The Governor’s Residence, built in 1889, although physically connected to the Courthouse, reads as a completely separate building from 3rd Avenue East. The building is a two and one-half storey structure, built of red brick with a hipped roof. The building has suffered significant alterations over the years, including a garage addition on the East side of the house.

In 1960, the county administrative services vacated the Courthouse and moved to their

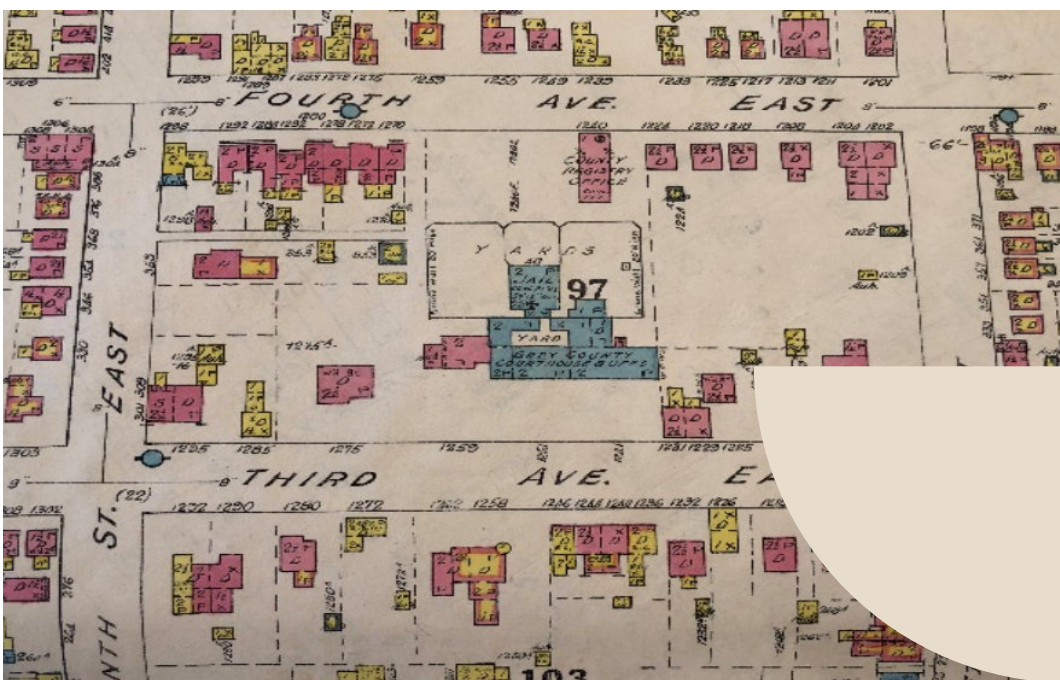
new premises at 595 Ninth Avenue East, in Owen Sound. The City of Owen Sound purchased the Courthouse from the County of Grey and the Owen Sound Police Department took occupancy of the Courthouse as they lost their former headquarters to a fire at City Hall in 1961. The Courthouse remained as the police headquarters until the opening of their current premises in 1985, at 922 Second Avenue West, Owen Sound.

In 1979, the City of Owen Sound designated the Courthouse under the Ontario Heritage Act (By-law No. 1979-14). The Courthouse was the first designated building in Owen Sound.

The Courthouse building was listed for sale in 1985, but lack of interest made the City take it off the market in 1986 and lease it to the Grey Bruce Arts Council (GBAC). During this period, the courtroom was rented as a community space, and other parts of the building were used by individual artists. In 1994, the Grey Bruce Arts Council vacated the building.

After 2011, all buildings were fully vacated and in 2019 the City requested an HIA to determine the impact of demolishing the Governor's Residence and the Jail in an attempt to facilitate redevelopment/reuse. The HIA determined a few scenarios for demolition, while preserving the main heritage components of the property. There was also a public consultation regarding the preferred approach for the future of the property.

In 2022, the City selected the reuse/rejuvenation proposal from FC Entertainment & Hospitality Inc., Selling the property to the current owner to allow the proposal to move forward.



Goods Insurance Plan
City of Owen Sound (circa 1923)
Grey County Historical Society

Physical Value

The Courthouse building has an imposing presence on 3rd Avenue, and showcases very interesting architectural detailing and ornamentation. Based on original photography and representations of the original building facade, the main entrance canopy/portico is a very significant architectural feature that is currently missing.

This structure, paired with the Jail buildings, are very representative of other similar structures built in Ontario between the 1850s and 1870s. The CHER report, issued by Taylor Hazel Architects in January 6th, 2020 states the following:

“Representative of jail structures built in Ontario in relation to county courthouses of the 1850s-1870s; similar examples intact with jail yards and ancillary structures exist at Perth and Picton (Provincial Heritage Properties of Provincial Significance). The 1869 Jail exhibits well-detailed, robust construction of local stone with intact cell structures of stone, and some original hardware. The 1854 Jail structure in 2-L shaped portions is important to the understanding of the justice complex of 1854 and to the history of 1850s prison architecture in Ontario. These structures have evolved and been renovated, but their historic structure is intact. Jail yard walls and yards are intact.”

Our analysis coincides with this statement, and we concur with the overall considerations regarding the physical value of the buildings in the context of the City of Owen Sound and the Provincial architectural heritage.



Historical Grey County Courthouse Building

Front Elevation (2022)

Boldera Architects

2.2 Heritage Attributes

Courthouse (1853)

- Exterior masonry walls with masonry openings;
- Form of roof, including the tower;
- Courtyard formed by the 1854 Jail;
- Courtroom;

Governor's Residence* (1889)

- Exterior brick and masonry openings;
- Form of the roof, including projections;

* The Governor's Residence only meets the minimum requirements for recognition under the Ontario Heritage Act.

Jail (1854)

- Exterior walls and original masonry openings;
- Form of roof;
- Courtyard (formed by the connection to Courthouse);

Jail (1869-1877)

- Exterior walls and original masonry openings;
- Prison Cells;
- Form of the roof, including projections;
- Exterior Yards and high walls;

Assessment of Existing Conditions



3.0 Assessment of Existing Conditions

3.1 Methodology

Senior Heritage Consultant, Donald J. Loucks of Boldera Architects visited the site on September 30th, 2022, to assess the existing conditions of all buildings on the property. The visit was conducted during a period of half a day, and field notes and photographs were taken to document the buildings. No destructive testing was conducted.

The intent for the visit was to document a high-level survey of the existing conditions and to evaluate the overall scope of work for the conservation plan and to produce a preliminary building code assessment of the property. The buildings were reviewed at a high-level, and plans of the buildings were made available in anticipation of the field review. Both interior and exterior surveys were conducted.

The buildings have been vacated since 2011, and as so, significant material deterioration is visible, particularly in the interior of all the buildings. A strategic monitoring of all structures is recommended to avoid further deterioration.

Further condition assessments should be undertaken to determine the following:

- Hazardous and Contaminated Materials
- Strategic Conservation Plan

A photographic record is included in Section 7 of this Heritage Impact Assessment.

3.2 Buildings Assessment

Historical Courthouse

Exterior Observations

The 2-storey Courthouse is the centerpiece and most imposing building of the property. The building is constructed using local limestone and mostly timber frame for structure. The exterior condition of the building is very good, and shows no signs of permanent or critical damage.

Most of the original windows were replaced by aluminum frames that are showing signs of deterioration and will need replacement. The larger windows of the second floor, in the courthouse room, have been boarded, possible due to vandalism.

The outline of a previous canopy is visible above the main building entrance. Based on historical photos, there is a missing covered porch above that entrance. The stonework is in overall good condition, requiring tuckpointing in some areas. Based on aerial photographs, there are some areas of the roof that require maintenance and restoration, particularly the tower. We recommend removing the existing asphalt shingles and replacing them for slate shingles that are more in line with what was used at the time this building was constructed.

Interior Observations

The interior of the courthouse building has suffered continuous decay since the building was vacated in 2011. During our site observations, we registered several areas damaged by water, signs of vandalism, and overall lack of maintenance that have severely impacted the interiors.

The majority of the heritage elements, including the courtroom, will need monitoring and a conservation plan to prevent further deterioration.

Jail Building (Phase 1 - 1854)

Exterior Observations

The original jail building, constructed in 1854, is configured in two L-shaped structures, attached to the Courthouse building, creating a courtyard space in between the buildings.

The 2-storey buildings are built with rough fieldstone and timber frame structure. The exterior walls of the buildings may be observed in the interior courtyard, but are not visible from the exterior, due to accessory structures that were added to the original building over the years. The second storey walls are visible at a distance.

The exterior walls appear to be in good condition, showing some cracks due to settling and some expected wear on the mortar joints throughout the walls. Extensive tuckpointing should be done to remediate and restore the stone walls. The original masonry openings are in good condition, as are the original stone lintels and sills.

The current windows do not appear to be original, and are in poor condition, with visible signs of failure and water damage.

Based on our site review and aerial photography of the buildings, there is significant damage to the asphalt shingle roof and deterioration of soffits and flashings. We recommend immediate measures to prevent further deterioration and damage to the building.

Interior Observations

The interior finishes are in very poor condition and in some cases showing advanced signs of deterioration. Some areas of the building were not accessible due to the collapse of some materials.

Many of the interior partitions are no longer salvageable.

Further investigation is required to determine:

- Conditions of the existing roof framing, and potential water damage;
- Conservation measures to preserve the existing stone walls.

Jail Building (Phases 2&3 - 1869/1877)

Exterior Observations

The three-storey jail building is built in large cut limestone blocks with vaulted ceilings. The hipped form roof is constructed with a timber frame structure. The overall evaluation of the exterior condition of this building is good, mostly because of the high quality of materials and construction. There is no visible sign of material settling or structural failure from the exterior.

The window openings are arched with large limestone blocks, and have stone sills. The current windows and doors do not appear to be original.

There are two fire egress metal stairs, with exits from the second and third storeys.

The current asphalt shingles are not in good condition and have reached the end of their life cycle. A full replacement is recommended.

Interior Observations

Because of the robust construction, there is no critical damage to the interior of the building. The visible damage was mostly due to the lack of a heating system, and acts of vandalism. Most of the jail cell doors and hardware is still intact.

The link between the 1854 and 1868 jail is constructed in stone with a gable roof. The interior of this connection was in very poor condition.

Jail Yard Walls

The existing jail yard walls are built in fieldstone and have been parged on the interior face. The exterior face is in very good condition. The interior face will

require new parking due to aging and deterioration.

The metal coping does not appear to be original.

A structural report is recommended to assess the integrity of the walls.

Governor's Residence

Exterior Observations

The governor's residence building is a two-storey, red brick structure that is physically connected to the historical courthouse. It's also connected to the 1854 Jail building, by a two-storey brick corridor.

This building has been significantly altered over the years, including additions to the rear and a vehicle garage.

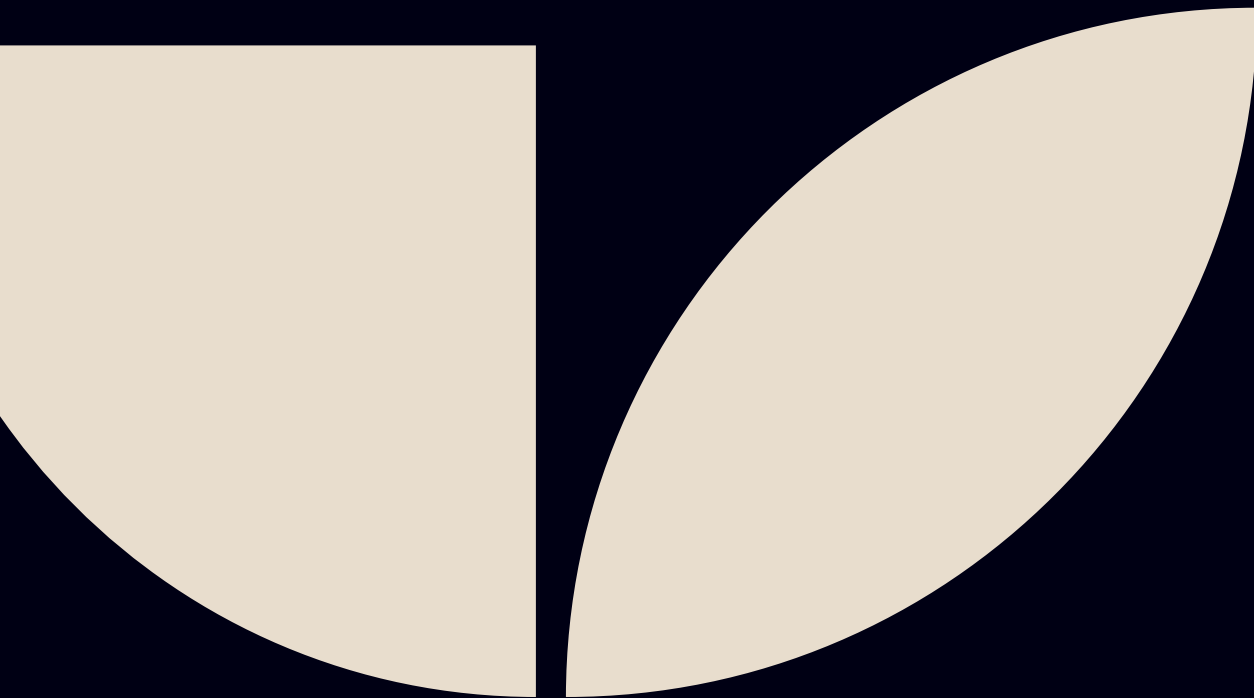
The current windows and doors are not original and are showing visible signs of failure. The existing asphalt shingles, and membrane flat roof are in poor condition, and must be replaced to prevent further damage to the interior of the building.

Interior Observations

The interior of the building is showing advanced stages of deterioration, with wall and ceiling damage throughout the two floors. The existing main staircase is one of the main historical features that should be preserved, and is in overall good conditions for restoration.

We recommend immediate measures to avoid further deterioration of the existing interior elements to be preserved in the restoration project.

Description and Purpose of Proposed Activity



4.0 Introduction

4.1 Purpose and Nature of Activity

The purpose of the proposed activity is as follows:

Historical Courthouse

- Rejuvenate and rebuild missing portions of the historical building;
- Demolish unnecessary accessory structures that were added to the original building;
- Tuckpoint and restore damaged areas of existing masonry;
- Replace windows and doors for energy efficient systems;
- Reconstruct missing porch and canopies;
- New glass extension for canopies;
- Replace existing roof shingles;
- Partial and select alteration to interior partitioning;
- Refinish existing stairs;
- Accessibility upgrades to meet OBC requirements;
- Relocation and restoration of existing courtroom millwork;
- Exterior landscaping upgrades, based on historical photo documentation.

Governor's Residence

- Demolish unnecessary accessory structures that were added to the original building;
- Replace brick connection between the Governor's Residence for a glass wall;
- Tuckpoint and restore damaged areas of existing masonry;
- Replace windows and doors for energy efficient systems;
- Replace existing roof shingles;
- Refinish Existing Stairs
- Accessibility upgrades to meet OBC requirements;
- Exterior landscaping upgrades, based on historical photo documentation.

Jail Buildings

- Demolish unnecessary accessory structures that were added to the original building;
- Tuckpoint and restore damaged areas of existing masonry;
- Replace windows and doors for energy efficient systems;
- Replace existing roof shingles;
- Refinish Existing Stairs
- Partial and select alteration to interior partitioning;
- Accessibility upgrades to meet OBC requirements;

- Exterior landscaping upgrades.

Exterior Yards

- Tuckpoint and restore damaged areas of existing limestone walls;
- Reparge interior face of walls;
- Select openings to provide connection between exterior yards;
- Exterior event pavilion;
- Exterior landscaping upgrades.

4.2. How the proposed activity fits within the physical context of the property.

The City of Owen Sound commissioned a CHER and HIA to evaluate the impact of the removal of significant portions of buildings within the property. These reports have reinforced the heritage value of the complex, as a group of buildings of significant importance.

As per the HIA prepared by Taylor Hazell Architects, issued in January 2020:

“The removal of all structures on the Jail property would have significant impact on the integrity of the Judicial Precinct as an interconnected series of properties that can be defined as a historic place.”

“ The removal of outbuildings to the Jail, constructed after 1900, would have little to no impact on the heritage value of the property as a whole, and could positively impact the conservation of the properties.”

Based on the recommendations of the HIA, and our analysis of the property and buildings, we recommend a conservation approach to all buildings of heritage value, and a select removal of the outbuildings. It is our determination that this action will have a positive impact within the physical context of the property.

4.3. How the activity fits within the community and land use context.

The property has been vacant since 2011 and there is a general interest in the community to rejuvenate these buildings through an adaptive-reuse approach. The property is currently zoned as Institutional and until now, there haven't been any viable proposals for reuse.

The proposed activity is a viable solution to rejuvenate the historical architectural heritage, and to open all buildings to the community with uses that will positively impact Owen Sound and its residents.

Impact Assessment



5.0 Impact Assessment

5.1 Introduction

The main objectives of the Heritage Impact Assessment is to determine the impact of the proposed construction activity in the heritage value of the property. An impact is defined as a visible change in any building that would change its historical configuration.

Impacts may be considered positive, negative (direct or indirect), and neutral on the cultural heritage value or interest of the property.

Impacts may include:

- Removal of Buildings
- Removal of Portions of Buildings
- Landscape Alterations
- Additional Construction on a Property
- Addition of Elements to a Building or Property
- Changes in Use

5.2 Category of Potential Impacts

CLASSIFICATION	DESCRIPTION
POSITIVE	The proposed work has a positive impact on the heritage value and character of the existing structure.
NONE	The proposed work has no impact to the heritage value and character of the original structure.
LOW	The proposed work has minimal impact on the heritage value and character of the original structure.
MEDIUM	The proposed work impacts and disturbs the heritage value and character of the original structure.
HIGH	The proposed work removes heritage value and alters the original character of the structure. This work will require a mitigation strategy to lessen the impact.

5.3 Description of Impacts

General Work and Site Alterations

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Parking Lot at the rear of the property and associated landscaping elements.	Rear of the Property (4 th Avenue)	Increased traffic on 4 th Avenue. Overall improvement of the 4 th Avenue face of the property.	NONE
Landscaping alterations at the front of the property.	Main Entrance Views from 3 rd Avenue	Reconstruction of the historical landscaping design features. Overall improvements of the 3 rd Avenue face of the property.	POSITIVE

Historical Courthouse

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Reconstruction of the original canopy and porch.	Main elevation and entrance.	Reconstruction of missing heritage elements.	POSITIVE
Glass canopy extension.	Main elevation and entrance.	Steel and Glass canopy extension to be added to the reconstructed heritage porch.	LOW
Window enlargement above the reconstructed porch.	Main elevation and courtroom.	Conversion of one window into a double door to provide access to a balcony, roof of the reconstructed porch.	LOW
Glass canopy above secondary entrance.	Main elevation and secondary entrance.	Steel and glass canopy to be added to the secondary entrance on the main facade for overall architectural design consistency and additional protection from the elements.	LOW
Replacement of windows and doors.	Exterior of the building.	Replacement of the existing windows and doors for historically appropriate and energy-efficient systems.	POSITIVE
Removal of selected interior partition walls.	Interior of the building, in the basement, ground floor, and second floor.	Removal of selected partitions to accommodate the adaptive-reuse functional program.	POSITIVE
Window and door openings.	Rear elevation.	Enlargement of openings towards the courtyard to provide better access to daylight.	LOW

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Replacement of the existing roofing shingles.	Roof and exterior elevations.	Replacement of the existing asphalt shingles for an historically appropriate material.	POSITIVE
Accessibility upgrades.	Throughout the building.	Addition of a passenger elevator, reconstruction of stairs, addition of new washrooms to meet accessibility code standards.	POSITIVE

Jail Building (Phase 1 - 1854)

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Removal of selected interior partitions.	Interior spaces.	Removal of selected partitions to accommodate the adaptive-reuse functional program.	POSITIVE
Replacement of roof shingles and repair of roof structure.	Roof and exterior elevations.	Replacement of the existing asphalt shingles for an historically appropriate material. Roof structure may need comprehensive structural remediation.	POSITIVE
Removal of the existing steel stair in the courtyard. Conversion of the existing door opening into a window.	Courtyard and exterior elevations.	Removal of the non-historical steel exit stairs and replacement of the door for a window to match the size of similar windows in the same elevation.	POSITIVE
Replacement of windows and doors.	Exterior of the building.	Replacement of the existing windows and doors for historically appropriate and energy-efficient systems.	POSITIVE
Removal of non-historical Accessory structures and sheds.	Exterior of the building.	Removal of the non-historical multiple accessory structures and storage sheds added over time to the historical fabric.	POSITIVE

Jail Building (Phases 2 and 3)

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Removal of selected interior partitions.	Interior of the building on all floors.	Removal of selected partitions to accommodate the adaptive-reuse functional program.	POSITIVE
Window and door openings.	Exterior elevation.	Enlargement of openings towards the yard to provide access and better daylight to the interior spaces.	LOW
Replacement of the existing roofing shingles.	Exterior roof and building elevations.	Replacement of the existing asphalt shingles for an historically appropriate material.	POSITIVE
Accessibility upgrades.	Exterior and interior of the building.	Adding a passenger elevator, reconstructing the stairs, addition of washrooms to meet the accessibility requirements of the building code.	MEDIUM

Governor's Residence

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Removal of selected interior partitions.	Interior of the building on all floors.	Removal of selected partitions to accommodate the adaptive-reuse functional program.	POSITIVE
Removal of non-historical Accessory structures and garage.	Exterior of the building.	Removal of the garage addition and all non-historical accessory structures that contrast with the historical architectural fabric.	POSITIVE
Replacement of the existing roofing shingles.	Exterior roof and building elevations.	Replacement of the existing asphalt shingles for an historically appropriate material.	POSITIVE
Glass connection to the Courthouse.	Exterior and interior of the building.	Replacement of the existing brick wall for a glass exterior wall system.	LOW
Replacement of windows and doors.	Exterior of the building.	Replacement of the existing windows and doors for historically appropriate and energy-efficient systems.	POSITIVE
Accessibility upgrades.	Exterior and interior of the building.	Reconstructing the stairs, addition of washrooms to meet the accessibility requirements of the building code.	POSITIVE

Exterior Yards and Yard Walls

PROPOSED ALTERATIONS	AREAS AFFECTED	DESCRIPTION OF IMPACTS	IMPACT
Enclosed walkway.	Exterior yard space and exterior wall of the jail building.	Construction of a glazed enclosed walkway, connecting the entrance from the vehicle parking to the interior of the building.	MEDIUM
Exterior event pavilion.	Exterior yard space.	Construction of a new, enclosed event space, in one of the exterior yards.	MEDIUM
Openings in yard walls.	Exterior yard walls.	New openings to create a new physical connection between all exterior yard spaces.	LOW

5.4 Conclusion

The proposed architectural design strategy was developed to respond to both the feasibility of the reuse programme and the conservation/rejuvenation of the heritage attributes of the existing buildings on the property. The main objective of the design team is to outline a strategy that allows the building to function effectively, without compromising the preservation of its cultural heritage.

The Heritage Impact Assessment commissioned by the City in 2019–2020, proposed a series of scenarios that contemplated the demolition of important buildings to facilitate the adaptive reuse of the property. The proposed scheme conserves all the buildings of cultural heritage significance, rebuilding missing heritage elements, and proposing new construction/demolition in sections of the building that are not original to the property and have no heritage value.

This Phase 1 Heritage Impact Assessment has determined that the proposed scheme is successful in addressing the conservation of cultural heritage and follows the recommendations of the Standards and Guidelines for the Conservation of Provincial Heritage Properties.

This document will continue being developed, and resubmitted with further detail, in a Phase 2 Heritage Impact Assessment.

The Phase 2 submission will address the design proposal at the time of the Site Plan application, proposed alterations, enhancements, and any changes to the originally proposed scheme. Further sections will also include:

- Considered Alternatives and Mitigation Measures
- Summary of Community Engagement
- Recommendations

Figures

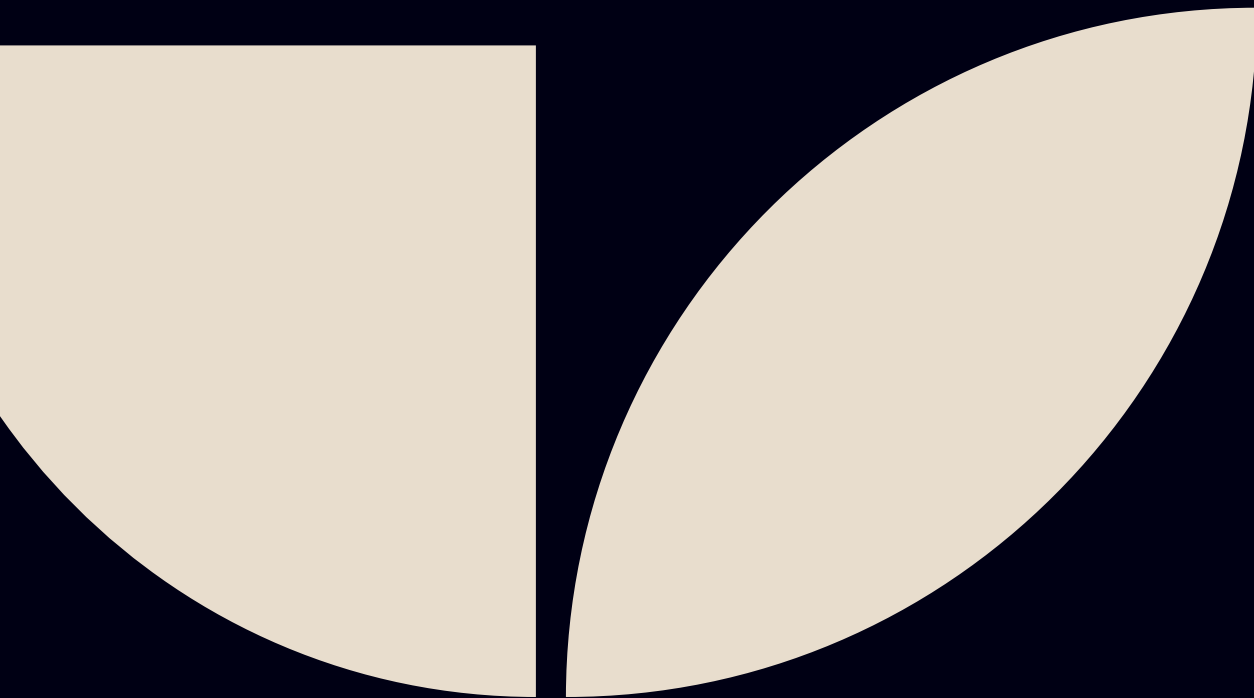




Figure 6.1
Aerial view of the Historical
Judicial Precinct.



Figure 6.2
Approach to the property from
3rd Avenue.



Figure 6.3
Historical Courthouse
Exterior Elevation from 3rd Avenue.



Figure 6.4
Governor's Residence
Exterior Elevation from 3rd Avenue.



Figure 6.5
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.6
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.7
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.8
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.9
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.10
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.11
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.12
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.13
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.14
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.15
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.16
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.17
Historical Courthouse
Ground Floor - Existing Conditions.

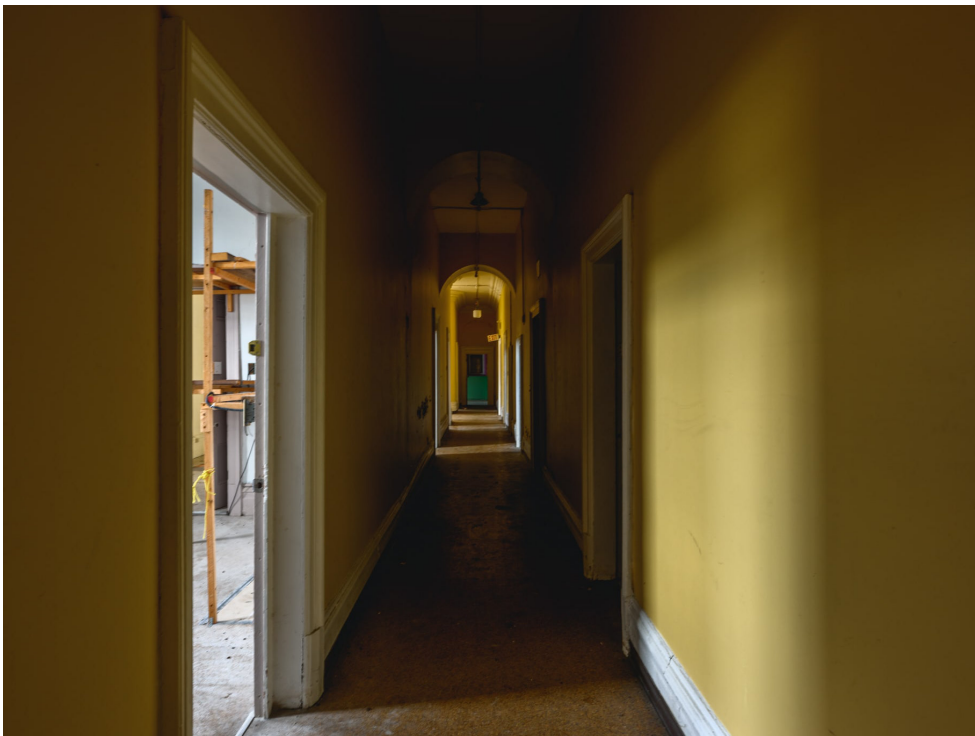


Figure 6.18
Historical Courthouse
Ground Floor - Existing Conditions.



Figure 6.19
Historical Courthouse
Detail of the main staircase.



Figure 6.20
Historical Courthouse
Detail of the main staircase.



Figure 6.21
Historical Courthouse
Staircase to the tower.



Figure 6.22
Historical Courthouse
View of the interior of the tower.



Figure 6.23
Historical Courthouse
Main access to the courtroom.



Figure 6.24
Historical Courthouse
Interior view of the courtroom.



Figure 6.25
Historical Courthouse
Interior view of the courtroom.



Figure 6.26
Historical Courthouse
Stair access to the ground floor.



Figure 6.27
Historical Courthouse
Interior view of the courtroom.



Figure 6.28
Historical Courthouse
Interior view of the courtroom.



Figure 6.29
Historical Courthouse
Interior view of the courtroom.



Figure 6.30
Historical Courthouse
Interior view of the courtroom.



Figure 6.31
Historical Courthouse
Detail of interior door opening.



Figure 6.32
Historical Courthouse
Access from the courtroom to the jail
building through an internal staircase.



Figure 6.33
Exterior Courtyard
View from the exterior of the building, in-
side the courtyard.



Figure 6.34
Exterior Courtyard
View from the exterior of the building, in-
side the courtyard.



Figure 6.35
Exterior Courtyard
View from the exterior of the building, in-
side the courtyard.



Figure 6.36
Birdseye view of the jail building viewed
from the exterior yard.



Figure 6.37
Interior view of the Jail Building
Detail at the ground floor entrance.



Figure 6.38
Interior view of the Jail Building
Ground floor entrance.



Figure 6.39
Interior view of the Jail Building
View of the kitchen entrance.

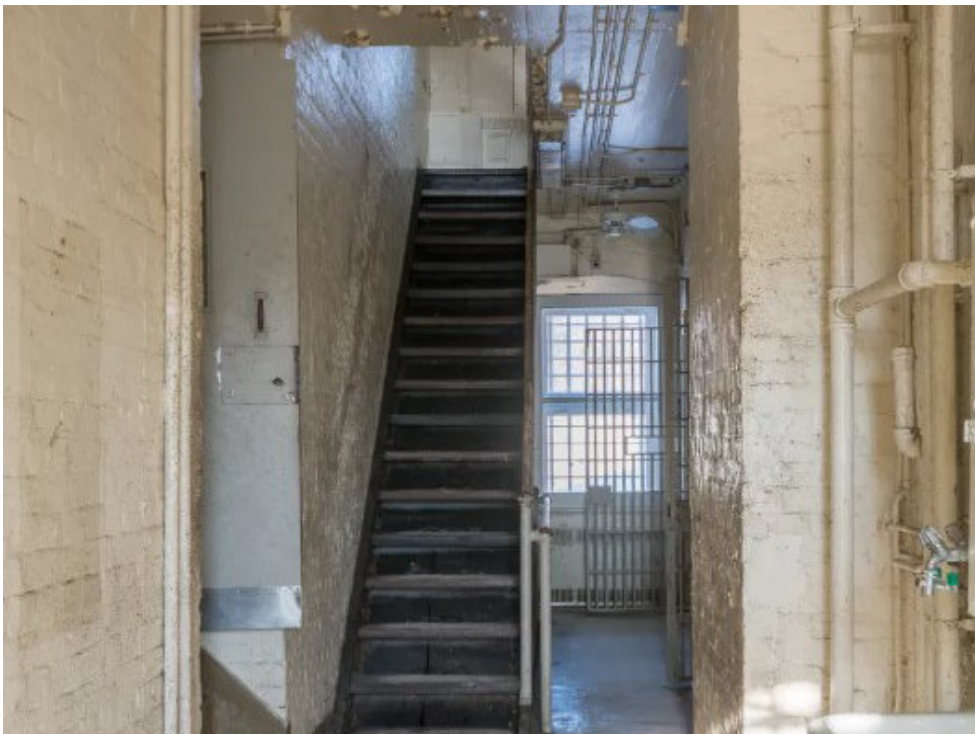


Figure 6.40
Interior view of the Jail Building
Detail of the interior staircase.



Figure 6.41
Interior view of the Jail Building
Aisles adjacent to the cells.

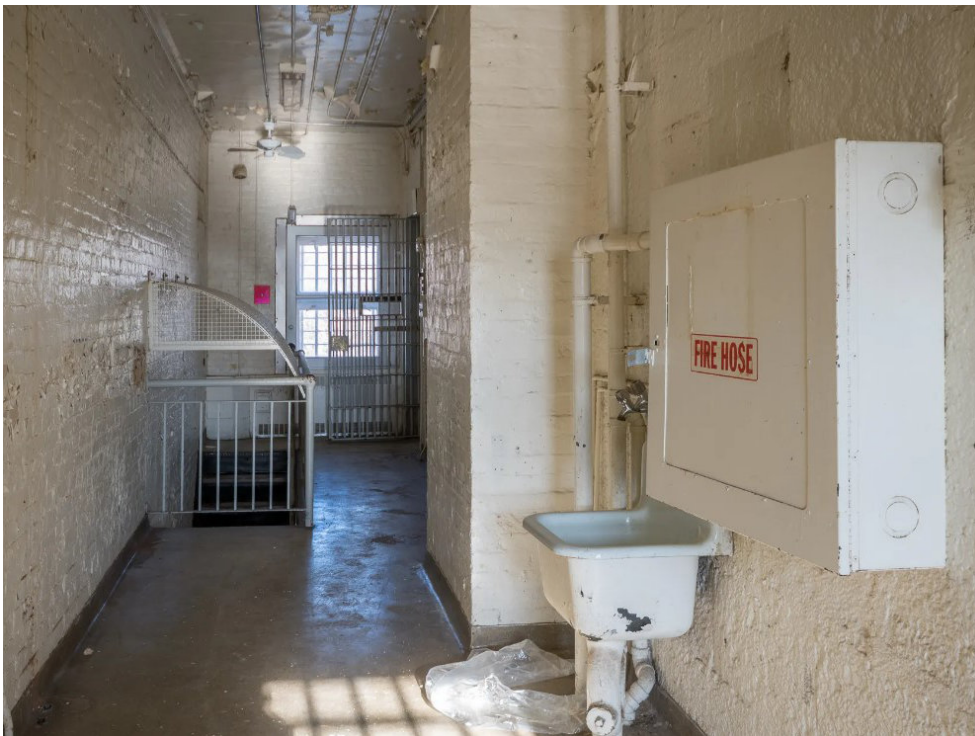


Figure 6.42
Interior view of the Jail Building
Main corridor and access.



Figure 6.43
Interior view of the Jail Building
Access to exterior fire stairs.



Figure 6.44
Interior view of the Jail Building
Aisles adjacent to the cells.



Figure 6.45
Interior view of the Jail Building
Detail of vaulted ceiling.



Figure 6.46
Exterior view of the existing conditions of
the Jail Building facade from the exterior
yard.



Figure 6.47
Interior view of the Governor's Residence
Detail of the main staircase.



Figure 6.48
Interior view of the Governor's Residence
Detail of the original wall paper.

Thank you

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Project Personnel





Eric Rodrigues

OAA, MRAIC, LEED AP BD+C

Owner, Creative Director

Eric Rodrigues is the founder and creative director of Boldera Architects, a leading Toronto architecture firm that specializes in residential architecture and adaptive reuse of heritage buildings.

He was born in Toronto, and lived most of his life between Canada and Portugal, where in 2010, he graduated from his Masters at the Lusiada University in Porto. In 2011, while still living in Porto, he founded ERS Architects, that would later become Boldera Architects.

Since returning to Canada, Eric has had the opportunity to work on many transformative projects, such as the mass timber Trades, Technology and Innovation building in Lethbridge, Alberta, the rejuvenation of the National Arts Centre, in Ottawa, and the design of the new Institute for Indigenous Entrepreneurship for Algonquin College.

“I believe architects, planners, developers, and builders must be at the forefront of the sustainability discussion to ensure we build a world that our children will be proud of.”

In 2017, Eric moved to the United States, and led the technical architectural team that worked on the rejuvenation of the Waldorf Astoria Hotel in New York. This project is considered the one of most significant and transformative adaptive reuse projects in history, with a total project value of \$1 Billion USD.

Still in the US, Eric was the Project Architect and lead designer for the rejuvenation of the Franklin Building in Brooklyn, New York. This historical structure was successfully converted into a boutique hotel and membership club and is considered a prime example of heritage reuse.

As the creative director of Boldera Architects, Eric works closely with owners and real estate developers to create unique building solutions that are both environmental and economically sustainable, creating enormous value for his clients and building users. He strongly believes that great architecture can positively impact communities and inspire people.

Eric is a LEED accredited professional, and a member of the Canadian and U.S. Green Building Council.

In his spare time, he enjoys cooking, listening to vinyl records, sports, and spending quality time with his family.

Memberships & Affiliations

Ontario Association of Architects

Ordem dos Arquitectos

Royal Architectural Institute of Canada

Toronto Society of Architects

Canadian Green Building Council

Professional Experience

Boldera Architects
Founder, 2011–Present

Q4A Architects
Associate, 2019–2021

HOK
Associate, 2017–2019

SOM
Project Architect, 2016–2017

Diamond Schmitt
Architect, 2012–2016

Balonas Menano
Intern Architect, 2009–2011



Jose Monteiro

Intern OAA, MRAIC

Senior Associate, Project Manager

Jose is a detail oriented Project Manager with over 20 years of experience in the construction industry. Since completing his studies he has had the privilege of working with such notable practices as Atelier Jean Nouvel, Gensler, Weston Williamson, Arup, and Diamond Schmitt.

His ability to adapt to any project type, scope and construction method has been his greatest asset. Because of this, his experience has carried him through a variety of projects, ranging from Hospitality, Cultural, Transportation, Commercial, Mixed-Use, and Residential.

Jose's design process is led by his client's aspirations. He has creative and technical problem solving skills and prides himself on providing personal service and close collaboration with clients and consultants. Every project is approached with enthusiasm, commitment, and acute attention to detail.

"Today architects need to approach design holistically, ensuring we are creating beautiful spaces that make sense in the simplest possible manner."

Having spent most of his career in the UK, in 2009 he relocated from London to Geneva & joined the architectural team working on the Qatar National Museum. This was an ambitious project of epic proportions that involved complicated forms & innovative solutions. Successfully taking the project to construction documentation it was completed in time for the 2022 world cup at a cost of \$500 million US & considered one of the centerpieces in the city of Doha.

Deciding to return to Canada in 2014, Jose has since been a key member of several technical architectural teams developing various projects in Canada & the US. In 2022 he joined Boldera Architects as a Senior Associate to bring his expertise in mixed-use developments & adaptive reuse/re-positioning projects. He enjoys being involved in all stages of architectural projects, from concept design to project coordination & construction management & strives to provide forward-thinking design solutions with a focus on sustainability.

He recognizes the value of seeing projects from all viewpoints - client, developer, and user & strives for expectations of all stakeholders be exceeded.

In his spare time, he enjoys traveling & keeping active.

Memberships & Affiliations

Ontario Association of
Architects

Royal Architectural Institute
of Canada

Toronto Society of
Architects

Professional Experience

Boldera Architects
Associate, 2022-Present

Gensler
Senior Architect, 2016-2022

Diamond Schmitt
Senior Architect, 2014-2016

Gensler (UK)
Architect, 2010-2013

Atelier Jean Nouvel
Architect, 2009-2010

Weston Williamson
Architect, 2008-2009

TP Bennet Architects
Architect, 2005-2008

Paul Davis & Partners
Intern Architect, 2003-2005



Donald J. Loucks

Retired OAA, CAHP, MRAIC

Senior Heritage Consultant

With over 40 years of consulting experience, Don's commitment to good design, cultural heritage, environmental sustainability and livable communities has contributed to a diverse portfolio of built and unbuilt projects across Canada, the Middle East, and Montenegro.

He has had a key role in many successful and award-winning initiatives such as the John Street Roundhouse, the preliminary redevelopment concepts for the Gooderham and Worts Historical District, and as the programme management design leader for the GO Transit's Union Station Train Shed redevelopment.

All his work reflects an understanding of the balance between the economics, the environment and maintaining our communities rich urban form, through the conservation and adaptive reuse of our cultural heritage.

"The preservation of our tangible and intangible heritage, sense of place, and identity is critical to cultural sustainability."

Don has been a contributor and speaker at several conferences and events such as the 2009 Canadian Brownfield's Conference, the Society for the Study of Architecture in Canada, and the Toronto Society of Architects. He is an adjunct instructor in "Heritage Conservation and Regulatory Framework" at the Toronto Metropolitan University.

In 2019, Don and Leslie Valpy released their most recent book called "Modest Hopes" that illustrates and tells the story behind Toronto's working-class neighborhoods, such as Leslieville and Corktown.

He is a retired member of the Ontario Association of Architects and a standing member of the Canadian Association of Heritage Professionals. In 2020, he joined Boldera Architects as a Senior Heritage Consultant.

In his spare time, he enjoys drawing and spending time with his family in Toronto.

Memberships & Affiliations

Ontario Association of Architects (Retired)

Canadian Association of Heritage Professionals

Royal Architectural Institute of Canada

Professional Experience

Boldera Architects
Heritage Consultant
2020–Present

Metropolitan Design Ltd.
Principal Architect
2016–2022

IBI Group
Senior Associate
2014–2016

Hotson Bakker Architects
Managing Director
1991–2000

Toronto Harbour Commission
Architect, 1988–1991

Canadian Pacific Ltd.
Architect, 1983–1984

Basic Design Associates
Principal, 1979–1982

Appendices



Information Bulletin 3

Heritage Impact Assessments for Provincial Heritage Properties

The purpose of this Bulletin is to provide guidance on preparing a Heritage Impact Assessment to meet the requirements of the *Standards and Guidelines for the Conservation Provincial Heritage Properties*.

Purpose

The conservation of Ontario's cultural heritage resources is a matter of public and provincial interest. The purpose of the *Standards & Guidelines for Conservation of Provincial Heritage Properties* (S&Gs) is the conservation and good stewardship of provincial heritage properties – properties the Government of Ontario owns or controls that have cultural heritage value or interest. Working together with other government legislation, regulations and policies, the S&Gs provide a framework for the consistent protection, maintenance, use and disposal of these properties. They are intended to ensure that decisions about these properties are made in an open and accountable way.

Context

The S&Gs contain a principle that requires the assessment of impact of proposed activities that may affect the cultural heritage value or interest and the *heritage attributes* of a *provincial heritage property*¹ and inform decisions that may affect them. .

Provision F.4. requires that, the removal or demolition of any building or structure on a *provincial heritage property* be considered a last resort after all other alternatives have been considered, subject to heritage impact assessment and public engagement. Ministries and prescribed public bodies are required to use best efforts to mitigate loss of cultural heritage value or interest.

Provision F.5. requires that, in the case of a *provincial heritage property of provincial significance*, the consent of the Minister of Tourism, Culture and Sport (MTCS) be obtained before removing or demolishing buildings or structures on the property or before transferring the property from provincial control. A Heritage Impact Assessment will provide the documentation and rationale for applications for MTCS Ministers' Consent.

What is a Heritage Impact Assessment?

A Heritage Impact Assessment is an independent study to determine the impacts of a proposed activity on a *provincial heritage property*. It will recommend options and mitigation measures, consistent with the property's *Strategic Conservation Plan*, in order to reduce negative impacts, and *conserve* its cultural heritage value or interest.

A Heritage Impact Assessment under the S&Gs:

- is based on the *Statement of Cultural Heritage Value*

¹ Italicized terms are defined in the Glossary section of the *Standards and Guidelines for the Conservation of Provincial Heritage Properties* document [link]

- is prepared by a *qualified person(s)*
- considers impacts to the whole property even if the proposed activity only directly affects a portion of it
- considers and recommends alternatives and mitigation measures that are consistent with the strategies articulated in the *Strategic Conservation Plan* approved by the ministry or prescribed public body and/or MTCS, if it is a *provincial heritage property of provincial significance*
- considers the relevant findings of any archaeological assessment(s) and other technical studies that have been undertaken
- takes into account the views of interested persons or communities.

When to Prepare a Heritage Impact Assessment

A Heritage Impact Assessment will be prepared when an activity is proposed for a *provincial heritage property* that may affect its cultural heritage value or interest and/or *heritage attributes* and:

- a Strategic Conservation Plan is not yet in place
- the adopted *Strategic Conservation Plan* directs that a Heritage Impact Assessment be prepared for a proposed activity (e.g. the removal or demolition of a building or structure on a *provincial heritage property*)
- the adopted *Strategic Conservation Plan* did not anticipate or consider in detail the proposed activity or cannot be followed for reasons that were unforeseen when it was completed.

Ministries and prescribed public bodies are encouraged to seek advice from MTCS to determine whether a Heritage Impact Assessment should be prepared.

Who prepares a Heritage Impact Assessment

A Heritage Impact Assessment is prepared by a *qualified person(s)* with individual expertise, recent experience and knowledge relevant to the type of cultural heritage resources² being considered and the nature of the activity being proposed.

A person qualified to work on a *provincial heritage property* will demonstrate:

- qualifications and expertise gained through having personally worked on cultural heritage resources in the past (i.e. individual credentials and personal experience must be demonstrated over that of the consulting firm that may employ the individual)
- expertise that is relevant to the type of resource and the nature of the activity or project being considered
- recent experience in the *conservation* of cultural heritage resources (i.e. within the last three to five years)

² Provincial heritage properties include three types of cultural heritage resources: built heritage resources, cultural heritage landscapes, and archaeological sites (see page 3 of S&Gs).

- in accordance with the *Ontario Heritage Act*, only a licensed archaeologist may alter or disturb an *archaeological site*. If an archaeological site may be impacted, altered or disturbed in any way, the only *qualified person* is a licensed archaeologist³.

The expertise of more than one *qualified person* working in a multi-disciplinary team may be required. For example, a complex property with more than one type of cultural heritage resource may require a historian, a professional engineer, an architect, a licensed archaeologist, a landscape architect, a specialist in historic preservation, conservator, heritage planner, or other. Similarly, determining appropriate solutions to address specific issues, such as accessibility, security, way finding system, signage, may also require specialized qualifications.

Before undertaking the preparation of a Heritage Impact Assessment the *qualified person(s)* must develop a thorough understanding of the property, its cultural heritage value or interest and the level of significance. In addition to site investigation(s), this would require review of the *Statement of Cultural Heritage Value*, the *Strategic Conservation Plan*, and any other existing documents, reports or technical studies such as archaeological assessment(s) provided to them by the ministry or prescribe public body.

Qualified person(s) must also have an understanding of the ministry or prescribed public body's heritage management process, and mandate, needs and objectives as they relate to the property. The ministry or prescribed public body should ensure that its consultant(s) is provided with all available documents, reports and information they may require.

Community Engagement

Under the S&Gs, ministries and prescribed public bodies are required to engage with and take into account the views of individuals and communities when making decisions about a property's future and when considering alterations that may affect property users (E.5.). Community engagement protects the public interest in identifying and protecting cultural heritage resources, while helping to ensure that any concerns are identified and appropriately addressed.

In the case of Heritage Impact Assessments engagement could include local communities (including Indigenous communities⁴), stakeholders, local government, other ministries and agencies, such as:

- municipal staff (e.g. municipal heritage planners and/or Municipal Heritage Committees)
- local neighbourhood or residential community
- heritage interest groups that operate locally or in the larger area
- those that may be affected by anticipated *alterations* or changes (e.g. affected users in implementing accessibility standards – see Provision E.5.)
- any person who is responsible for *maintenance*, inspection and *alterations* of the property, such as facility managers, service providers and/or maintenance personnel.

³ Archaeological assessment reports must conform to the MTCS's *Standards and Guidelines for Consultant Archaeologists* (2011) [link]

⁴ The Crown has a duty to consult with Indigenous communities when it has knowledge, real or constructive, of an Aboriginal right or treaty right and the Crown contemplates conduct that might adversely affect the right in question.

Community engagement should:

- provide for early and ongoing dialogue to inform appropriate strategies
- explain the purpose of the engagement and how the community's input will be used
- respect a community's preferences regarding information exchange (e.g. formal or informal face-to-face meetings, presentations, written communiqués, interviews and surveys).

Conclusions and recommendations should be shared with the consulted community to allow for further review, consideration and response. Conclusions and recommendations may have to be amended based on the community's response.

Coordination with other Planning Processes, Activities or Requirements

Under certain circumstances, a proposed activity may require a ministry or prescribed public body to follow and comply with legislative or regulatory requirements such as the Environmental Assessment Act, the Planning Act, and the Renewable Energy Approvals (REA) regulation. Where appropriate and to avoid duplication, common process elements, such as preparation of a Heritage Impact Assessment and the requirement for public or community engagement, may be coordinated, while ensuring that the requirements of the S&Gs are met.

Content of a Heritage Impact Assessment

The Heritage Impact Assessment must consider how the cultural heritage value or interest and *heritage attributes* identified in the approved *Statement of Cultural Heritage Value* will be affected by the proposed activity. The *qualified person(s)* are to develop a thorough understanding of the property, its cultural heritage value or interest and the level of significance. This requires a thorough review of the *Statement of Cultural Heritage Value*, and other relevant documents, reports or technical studies such as archaeological assessment reports, as provided by the ministry or prescribed public body, as well as site investigation(s).

A Heritage Impact Assessment under the S&Gs includes:

1. Introduction
2. *Statement of Cultural Heritage Value*
3. Assessment of Existing Conditions
4. Description and Purpose of Proposed Activity
5. Impact Assessment
6. Considered Alternatives and Mitigation Measures
7. Summary of Community Engagement
8. Recommendations

1. Introduction

The introduction provides an overview and context for the report that follows and includes:

- a brief description of the property, including its level of significance (i.e. provincial, regional or local significance)
- a brief summary of the proposed activity and the purpose for the activity. This may include a ministry mandate or priority.
- other applicable processes or requirements (e.g. Environmental Assessment, Renewable Energy Approval, Realty Directive)
- reference to the *Strategic Conservation Plan* and the applicable strategy
- a brief overview of the potential impacts to the property's cultural heritage value or interest
- a brief summary of the recommended mitigation measures
- if the removal or demolition of a building or structure is being proposed, provide a statement that all the other alternatives have been considered and rejected and that removal or demolition is the best alternative and a last resort
- if MTCS Minister's consent is being sought, provide rationale for Minister's approval for removal/demolition.

2. Statement of Cultural Heritage Value

A full copy of the *Statement of Cultural Heritage Value*, as approved by the ministry or prescribed public body, should be included. Supplementary material, such as site plan, photographs and a key map that can assist the reader in understanding the property, cultural heritage value or interest, *heritage attributes* and the areas that may be affected by the proposed activity should also be included.

Technical heritage studies and reports developed under the S&Gs are meant to be complementary and not duplicative. In preparing the Heritage Impact Assessment the cultural heritage value or interest of the property should not be re-evaluated and the *Statement of Cultural Heritage Value* should not be modified. If new information comes to light that could affect the reliability of the *Statement of Cultural Heritage Value* the *qualified person(s)* should inform and seek advice from the ministry or prescribed public body.

3. Assessment of Existing Conditions

A concise written and visual description of the property in its current condition should be included in the Heritage Impact Assessment and details of the on-site investigation(s) including:

- any significant changes in the current physical or material condition of the property from that depicted in the approved *Statement of Cultural Heritage Value*
- how, when and who conducted the on-site investigation(s)
- any limitations of the on-site investigation(s), such as limited access.

4. Description and Purpose of Proposed Activity

A written description of the proposed activity and its purpose should be provided and include:

- the rationale, purpose and need for the proposed activity

- how the proposed activity fits within the ministry or prescribed public body's objectives for the property
- where there is an adopted *Strategic Conservation Plan*, how the proposed activity fits within the ministry or prescribed public body's objectives as articulated in the *Strategic Conservation Plan*
- supporting graphic materials, such as site plans, design drawings and specifications, photographs and detailed descriptions supporting drawings and graphics as appropriate
- how the proposed activity fits within the physical context of the overall property, even if only a portion of the property will be directly impacted
- how the proposed activity fits within a broader community and land use planning context
- any other applicable considerations or planning process requirements or required permits or approvals, such as municipal planning considerations, Environmental Assessment, Renewable Energy Approval

5. Impact Assessment

The impact assessment will identify and assess the proposed activity to determine any impacts – positive or negative, direct or indirect – the proposed activity may have on the property's cultural heritage value or interest. For the purposes of this document, an impact is a change in an identified cultural heritage resource resulting from a particular activity.

In order to make predictions about potential impacts, additional factors should be considered. Factors may include the scale or severity of impacts, whether they are to be temporary or permanent, reversible or irreversible, etc.

A direct adverse impact would have a permanent and irreversible negative affect on the cultural heritage value or interest of a property or result in the loss of a *heritage attribute* on all or part of the *provincial heritage property*. Examples of direct adverse impacts on a *provincial heritage property* may include, but are not limited to:

- removal or demolition of all or part of any *heritage attribute*
- removal or demolition of any building or structure on the *provincial heritage property* whether or not it contributes to the cultural heritage value or interest of the property (i.e. non-contributing buildings)
- any land disturbance, such as a change in grade and/or drainage patterns that may adversely affect a *provincial heritage property*, including archaeological resources
- alterations to the property in a manner that is not sympathetic, or is incompatible, with cultural heritage value or interest of the property. This may include necessary alterations, such as new systems or materials to address health and safety requirements, energy-saving upgrades, building performance upgrades, security upgrades or servicing needs
- alterations for access requirements or limitations to address such factors as accessibility, emergency egress, public access, security

- introduction of new elements that diminish the integrity of the property, such as a new building, structure or addition, parking expansion or addition, access or circulation roads, landscape features
- changing the character of the property through removal or planting of trees or other natural features, such as a garden, or that may result in the obstruction of significant views or vistas within, from, or of built and natural features
- change in use for the *provincial heritage property* that could result in permanent, irreversible damage or negates the property's cultural heritage value or interest
- continuation or intensification of a use of the *provincial heritage property* without conservation of *heritage attributes*.

An indirect adverse impact would be the result of an activity on or near the property that may adversely affect its cultural heritage value or interest and/or *heritage attributes*. Examples of indirect adverse impacts include, but are not limited to:

- shadows that alter the appearance of a *heritage attribute* or change the visibility of an associated natural feature or plantings, such as a tree row, hedge or garden
- isolation of a *heritage attribute* from its surrounding environment, context or a significant relationship
- vibration damage to a structure due to construction or activities on or adjacent to the property
- alteration or obstruction of a significant view of or from the *provincial heritage property* from a key vantage point.

Positive impacts are those that may positively affect a property by conserving or enhancing its cultural heritage value or interest and/or *heritage attributes*. Examples of positive impacts may include, but are not limited to:

- changes or alterations that are consistent with accepted conservation principles, such as those articulated in MTCS's *Eight Guiding Principles in the Conservation of Historic Properties*, *Heritage Conservation Principles for Land Use Planning*, Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*
- *adaptive re-use* of a property – alteration of a *provincial heritage property* to fit new uses or circumstances of the of property in a manner that retains its cultural heritage value of interest
- public interpretation or commemoration of the *provincial heritage property*.

6. Considered Alternatives and Mitigation Measures

The Heritage Impact Assessment must describe the alternative options and mitigation measures that were assessed in order to avoid or reduce any negative impacts to the property's cultural heritage value or interest. These should be consistent with the relevant conservation strategies established in the adopted *Strategic Conservation Plan* where one exists.

Where a proposed activity may result in a negative, irreversible impact to the property's cultural heritage value or interest or *heritage attribute(s)*, the report should explain why the proposed course of action is the

only viable solution and why other alternatives that do not involve negative impact are not viable. In addition, the report should describe proposed mitigation measures and provide evidence as to why they should be adequate. The specific negative impacts should be listed, with statements made under each as to why they cannot be avoided, and what steps have been planned to mitigate their effects.

In cases where the proposed activity will result in the demolition or removal of a building or structure and/or MTCS Minister's Consent is being sought, the Heritage Impact Assessment must clearly demonstrate the efforts that have been made to mitigate the loss of cultural heritage value or interest, including but not limited to:

- the alternative options that were considered and why they were not feasible
- why the building(s) or structure(s) cannot be adapted to fit new uses
- why retention and/or modification of the building(s) or structure(s) is not viable
- that demolition or removal is the only viable option, and the last resort.

7. Summary of Community Engagement

The Heritage Impact Assessment should provide a brief summary of the steps and results of the community engagement and include:

- the groups and individuals who were engaged
- how and when community engagement was undertaken
- whether stakeholder and community engagement was combined with another planning process, such as Environmental Assessment, Renewable Energy Approval
- the results of the engagement, including responses, comments or concerns expressed and
- how they were considered (a detailed summary can be attached as an appendix).

8. Recommendations

The best alternative to the proposed activity should be summarized, describing how the proposed activity should proceed and the mitigation measures that are proposed. The recommendations should demonstrate how they are consistent with the objectives and strategies outlined in the adopted *Strategic Conservation Plan* where one exists. The recommendations should also provide direction for additional requirements such as:

- any required approvals and permits, such as municipal approvals/permits, federal permits, etc.
- special qualifications required for anyone responsible for conservation work
- further technical studies that may be required such as archaeological assessment(s).

Ministry or Prescribed Public Body Review and Acceptance of Recommendations

On completion of the Heritage Impact Assessment the ministry or prescribed public body should attach a written confirmation that it has reviewed the completed report and has accepted the *qualified person(s)* final recommendations on the preferred alternative and/or mitigation measures that will be implemented.

Submission Requirements

In the case of *provincial heritage properties of provincial significance* or properties not yet evaluated, MTCS Minister's consent is required before removing or demolishing buildings or structures on the property, whether or not they contribute to the cultural heritage value or interest of the property (i.e. non-contributing buildings, or before transferring the property from provincial control).

The Heritage Impact Assessment adopted/approved by the ministry or prescribed public body must accompany any application for MTCS Minister's consent.

For further information refer to MTCS Approvals and Consents (February 2011).

Ministries and prescribed public bodies are encouraged to seek the advice of MTCS Heritage Advisors and to share a draft of the Heritage Impact Assessment for comments and feedback prior to submitting application for MTCS Minister's Consent.

Contact us:

Ministry of Tourism, Culture and Sport

Culture Division | Programs and Services Branch | Heritage Program Unit
401 Bay Street, Suite 1700 | Toronto, ON M7A 0A7

Heritage Advisors and Registrar:

Provide technical advisory services and/or comments on implementation of the S&Gs and province wide policies and procedures to ministries and prescribed public bodies.

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Deborah Hossack, Registrar/Heritage Advisor
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APPENDIX: Outline for a Heritage Impact Assessment for a Provincial Heritage Property
MTCS recommends that this format be used for Heritage Impact Assessments for all *provincial heritage properties* including those of *provincial significance* that are to be submitted for MTCS' approval.

Executive Summary (1-2 page maximum)

The Executive Summary provides a brief summary and key recommendation(s) of the report.

Confirmation of Ministry or Prescribed Public Body Review and Acceptance of Recommendations

Provide confirmation that the ministry or prescribed public body has reviewed the Heritage Impact Assessment report and accepts the recommendations and mitigation measures articulated in it.

1.0 Introduction

The introduction provides an overview and context for the Heritage Impact Assessment. It includes benchmark information about the property, the activity being proposed, reference to the *Strategic Conservation Plan* and the applicable strategy, and the recommended mitigation measures.

The introduction should also state whether the removal or demolition of a building or structure is being proposed, provide a statement that all the other alternatives have been considered and rejected and that removal or demolition is the best alternative and a last resort.

If MTCS Minister's consent is being sought, provide rationale for Minister's approval for removal/demolition.

2.0 Statement of Cultural Heritage Value

A full copy of the approved *Statement of Cultural Heritage Value* is to be included and any supplementary material to assist with understanding the property and its cultural heritage value or interest, *heritage attributes* and the areas that may be affected by the proposed activity.

3.0 Assessment of Existing Conditions

This section provides a written and visual description of the cultural heritage resource(s) in its current condition, identifies any significant changes to the property, and provides key information about the on-site investigation(s).

4.0 Description and Purpose of Proposed Activity

This section provides a detailed written and visual description of the proposed activity, and the rationale, purpose and need for the proposed activity.

5.0 Impact Assessment

This section identifies and articulates how the proposed activity will affect the cultural heritage value or interest of the property and assesses impacts, whether positive or negative, direct or indirect.

6.0 Considered Alternatives and Mitigation Measures

The section provides details of alternative options that were considered and that would reduce or mitigate negative impacts. This section should also demonstrate how the alternatives or mitigation measures are consistent with conservation strategies established in the adopted *Strategic Conservation Plan*.

If the proposed activity will result in the demolition or removal of a building or structure, demonstrate why:

- the alternative options that were considered and why they were not feasible
- why the building(s) or structure(s) cannot be adapted to fit new uses
- why retention and/or modification of the building(s) or structure(s) is not viable
- that demolition or removal is the only viable option, and the last resort.

7.0 Summary of Community Engagement

This section provides a brief summary of the groups and individuals who were engaged, how and when community engagement was undertaken and the results of the engagement, including responses, comments or concerns expressed and how these were considered (a detailed summary can be attached as an appendix). Also indicate whether engagement was combined with the requirements of another process such as an Environmental Assessment.

8.0 Recommendations

This section describes how the proposed activity may proceed, the mitigation measures that are to be implemented, and provide direction for any additional requirements.

APPENDICES

References/Bibliography

Provide a list of the documents referenced in the Heritage Impact Assessment report.

Project Personnel

List the personnel involved in preparing the report, indicating their qualifications and their role in preparing the report.