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Sent by EMAIL

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Planning and Building Services  
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**RE: 18680 LESLIE STREET, BOGART/JOHNSTON HOUSE, HIA  
TOWN OF NEWMARKET, PEER REVIEW**

Dear Mr. Ruggle,

The purpose of this letter is to provide the Town of Newmarket, as requested, with an objective professional peer review of the Heritage Impact Assessment and Conservation Options report, prepared by Wayne Morgan, Heritage Planner, in support of the redevelopment proposal for 16860 Leslie Street, the Bogart/Johnston House. The following documents were reviewed as part of this process:

**Wayne Morgan, Heritage Planner**

Heritage Impact Assessment and Conservation Options, dated December 2017

**Town of Newmarket and Region of York**

Town of Newmarket Official Plan, 2006-2026

The Regional Municipality of York Official Plan, 2016 Office Consolidation

**Additional Reference Materials**

The Standards and Guidelines for the Conservation of Historic Places in Canada

Provincial Policy Statement (2014)

Ontario Heritage Tool Kit

**BACKGROUND**

This report reviews the Heritage Impact Assessment and Conservation Options (HIA) by Wayne Morgan, Heritage Planner, and assesses whether its findings are consistent with the Town of Newmarket and the Region of York's heritage policies as well as the provincial and national cultural heritage policy framework and best practice. No site visits were undertaken as part of this peer review.

The Bogart/Johnston house at 16860 Leslie Street was designated under Part IV of the *Ontario Heritage Act*, at the request of the owners in 1987. The proposed Draft Plan of Subdivision includes the demolition of the Bogart/Johnston house and the redevelopment of the property and property to the north to include 321 townhouses and associated circulation, storm water pond management and open space. Mitigation measures include documentation of the Bogart/Johnston house, salvage of building materials in sound condition with heritage value and a memorial wall with commemoration plaque on the Leslie Street frontage.

#### **REVIEW OF HERITAGE IMPACT ASSESSMENT AND CONSERVATION OPTIONS REPORT (HIA)**

The HIA contains a comprehensive description of the property and its context, as well as a thorough history of the property and surrounding area. A summary of the relevant planning and heritage policies is also included. Following this section is a description of the heritage resources, including the Bogart/Johnston house and surrounding landscape as well as an evaluation of the resources. Wayne Morgan notes that the house satisfies three out of nine criteria from Ontario Regulation 9/06, the *Criteria for Determining Cultural Heritage Value or Interest*. In the evaluation section, he includes a discussion of the house's condition and heritage integrity.

In order to assess the impact of the redevelopment of the site, he includes a development proposal description and briefly explains the impact on the cultural heritage resource – that it will be lost. The conservation options section provides six possible options, and recommends the demolition option subject to mitigation measures. These mitigation measures are included in the subsequent section and include: documentation, salvage and a memorial wall including commemoration plaque.

Upon review of this HIA, it is our professional opinion that while the overall report is well researched and prepared and tells a very interesting story, the findings of the HIA are not consistent with the existing heritage policy framework and that the recommended conservation option for the house and associated mitigation measures are not adequate in conserving the cultural heritage values and attributes of the buildings as identified in the HIA and Designation By-law No. 1987-040. The conservation option recommended by Wayne Morgan relies on two assumptions that are not backed by sufficient evidence in the HIA:

1. That the construction date/age of the Bogart/Johnston House cannot be verified.
2. That the building's condition is past the point of reasonable repair.

The following subsections provide a more detailed review of the HIA, in order to recommend where revisions to the HIA are recommended and/or further research is required.

#### ***Policy Framework***

A summary of relevant planning and heritage policies is included as part of the HIA; however, there is no analysis as to whether the proposed conservation option complies with the policy framework. In its present form, ERA finds the following compliance issues:

##### Provincial Policy Statement

- The demolition of a Part IV designated property is not in compliance with Policy 2.6.1, which states, "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Town of Newmarket Official Plan

- The demolition of the Bogart/Johnston house does not comply with Policy 11.2.2, which states “designated cultural heritage structures involved in planning applications shall be carefully and sensitively retained as part of any new development or redevelopment to ensure that the cultural heritage value of the building or lands is not compromised. If it is not possible to maintain structures in their original location, consideration may be given for the relocation of the structure”.

### ***Heritage Evaluation***

The HIA provides an in-depth and informative history of the Bogart/Johnston house and property, but ultimately asserts that it cannot confirm the purported date of its construction (c. 1811) through primary documentary sources (page 20). This Peer Review finds no issues with the historical research presented; however, in the absence of primary documentation to confirm its construction date, we would expect to see selective opening up of the fabric of the building to investigate construction methods and materials, which would help to confirm a date. For example, a conservation architect could further analyze the wood components of the main house (framing and lathes) to narrow down a construction date. The 1870 date provided seems on stylistic grounds more appropriate for the single-storey brick addition and a comparative analysis of the construction characteristics of the two phases, particularly the foundation masonry, may answer some of the interesting questions raised by Wayne Morgan about the evolution of the building. In accordance with best practice, the *Standards and Guidelines for the Conservation of Historic Places in Canada* advises that, “understanding an historic place is an essential first step to good conservation practice. This is normally achieved through research and investigation.”

Based on the information provided in the HIA (architectural descriptions and photographs), the Bogart/Johnston house appears to be an early and representative example of vernacular Georgian residential architecture, quite possibly dating to 1811. For example, the absence of a ridge board in the roof structure would be indicative of a construction date before the middle of the nineteenth century and in conjunction with other evidence would support an 1811 construction date. If this date were confirmed through further site investigations, this would make the house both rare for its early full two-storey construction in Ontario and age as one of the oldest surviving houses in Newmarket.

The heritage evaluation includes additional criteria (beyond *Ontario Regulation 9/06*) developed by Wayne Morgan, relating to condition and heritage integrity. In the condition assessment, he identifies areas of concern, including structural failure, and states that conservation would require a complete reconstruction using new materials to replace rotted and damaged materials. It is our professional opinion that there is not yet sufficient information/evidence from a site condition assessment in the HIA to support these assertions.

ERA generally agrees with Wayne Morgan’s assessment of external integrity (low-to-moderate). The HIA does not include a definition of integrity, so for the purposes of this peer review, we understand integrity through the lens of the Ontario Heritage Tool Kit, which identifies integrity as “a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property” (Heritage Property Evaluation, page 26). Despite the diminished external integrity of some elements of the house, the overall form, massing and frame as well as window openings appear to be original (page 37), and as such, if the construction date can be confirmed, the features of this vernacular 1811 house sufficiently survive to support the cultural heritage value and significance of the house.

### ***Conservation Options & Mitigation Measures***

The recommended conservation option presented in the HIA is to demolish the Bogart/Johnston house subject to mitigation measures, which include: documentation, salvage and a memorial wall with commemoration plaque. In our professional opinion, and based on the supporting information in the HIA, this is a premature recommendation of a conservation option as measured against the evident heritage value of the property and its intrinsic integrity, though subject to a thorough condition assessment. Additionally, the Stage 1 Background Study (AMICK Consultants Limited) recommends a Stage 2 Property Assessment. This archaeological assessment may further confirm a construction date for the house and the conservation option to demolish the house should not be advanced prior to the completion of archaeological work.

### **SUMMARY COMMENTS**

In our professional opinion, the Bogart/Johnston property is likely an early and representative example of a vernacular Georgian house that should be conserved in accordance policy 2.6.1 of the *Provincial Policy Statement 2014* and Objective 11.1.a and Policy 2 of the Town of Newmarket *Official Plan*. The HIA produced by Wayne Morgan provides a sound historic documentation of the property based on primary documentation; however, further site investigation and analysis of the construction of the house and date of construction is required to inform the cultural heritage evaluation of the property and the assessment of its condition.

### ***Recommended Next Steps:***

1. Engage a conservation architect and contractor to undertake selective openings in the fabric of the building to determine construction methods and materials employed and to accurately date the construction of the Bogart/Johnston house.
2. Engage a conservation architect and contractor to further investigate the house to more accurately establish the extent of damage and repairs required.
3. Once the above investigations have been completed and information has been verified, revise the HIA to account for any changes to the heritage evaluation of the property and the recommended conservation option.

We trust that the information contained herein is satisfactory at this time. Please do not hesitate to contact us should you require any further details or wish to discuss the contents of this letter.

Sincerely,



Michael McClelland, Principal  
E.R.A. Architects Inc.