

# Stratford Gazette

Putting Community First

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## Council refuses to designate without owners' consent

*Bid to assign heritage status on controversial White House denied*

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The neighbours' squabble that has sprung up around 265 St. David Street, popularly known as The White House, has been going on for years. The property's upcoming date in front of the Ontario Municipal Board (OMB) later this week will not even be its first; the last occurred in 2007 while under different ownership.

The White House, built in the 1860s, has an antebellum plantation look to it thanks to its massive yard and huge white pillars that were added in the 1930s. The building's white colour is due to paint; the original structure is red brick.

This latest OMB case sees the current owners, Damlar Inc., appealing a decision by

the city's committee of adjustment board, which turned down the owners' application to sever the lot into four separate properties. Co-owner Kevin Larson argued that doing so would ease the tax burden on the house, allowing for additional funds needed to carry out repairs and maintenance.

Damlar's proposal was met with backlash from a group of concerned neighbours who began calling themselves the Friends of the Stratford White House. They've been fighting Damlar Inc.'s attempts to sever the lot in hopes of keeping the property in its current state, arranging a presence at the upcoming OMB hearing and presenting delegations to Council urging the body to take their side.

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further galvanizing the neighbourhood.

That permit currently sits in the city's planning department, uncompleted.

The Friends' latest bid to preserve the property came when they appealed to Heritage Stratford to begin the process of designating it as officially having heritage value. Doing so might have staved off the demolition of the property, or even preserved the lot from being severed.

The Heritage Stratford committee, an advisory group tasked with recommending heritage buildings to Council, includes one member of the Friends among its ranks—Patrick O'Rourke. Although he refrained from participating and voting in the decision regarding 265 St. David Street, the committee still found cause to recommend the property for heritage designation due to its historical context as an early Stratford building, as well as some of the notable residents who have lived there. They forwarded their recommendation to the Planning and Heritage Committee, despite the property owners' opposition to the designation.

However, Council, while sitting as the Planning and Heritage Committee at their meeting on Monday, May 10, refused to move the issue forward without the owners' consent.

### A DRACONIAN MEASURE

Presenting a delegation on behalf of the Friends that evening was professional planner David Cuming, who reasserted Heritage Stratford's evaluation of the property's heritage value, assuring the committee of their legal ability to issue a notice to designate without the consent of the property owners.

Cuming will also be appearing at the OMB hearing as an expert witness retained by the Friends.

However, a majority on Council were not in favour of applying a designation on a privately owned property unless the owners asked for it. Coun. Frank Mark was among the most vocal of these

the table.

"This feels like a draconian measure," she said.

McManus introduced a motion to defer the matter and retain an impartial heritage expert, which was seconded by Coun. Tom Clifford but failed to pass.

Coun. Bonnie Henderson said she was torn on the subject, but ultimately sided against it.

"As a Council, are we not setting the homeowners up for extra expense?" she queried, noting the property owners, should the designation pass or be appealed, could be forced to spend "...thousands of dollars on something they don't want."

Coun. Tom Clifford said he could not support the recommendation either, noting he would not want a designation declared upon a property he owned if he didn't want it. Coun. Kathy Vassilakos strived to understand the process of designation, hoping that individual aspects of the property could be designated rather than the lot as a whole. She was told by the city's manager of development services Jeff Leunissen that such details would likely be decided during an appeal process.

In the end, only three members of council supported designation in a recorded vote: councillors Vassilakos, Danielle Ingram, and Brad Beatty.

### NO OFFICIAL POSITION

Further, Council discussed their legal position in the upcoming OMB hearing during an in-camera discussion prior to the meeting. Acting CAO Andre Morin read Council's official position once the public meeting was underway, saying that a great deal of effort was made to resolve the matter prior to the hearing, but council and staff were unable to help the parties reach a consensus.

Therefore, he stated, it is the city's position "not to support either party."

The OMB hearing commences on Thursday, May 12 at 10 a.m. in the Stratford City Hall Council Chambers.