

**Heritage Committee Meeting
AGENDA**

Monday, April 10, 2017, 6:00 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. CALL TO ORDER
2. ROLL CALL
3. DISCLOSURE OF PECUNIARY INTEREST
4. DELEGATIONS
5. COMMUNICATIONS
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 - b. Community Heritage Ontario (CHO) News, Spring 2017 5 - 16
6. REPORTS
7. UNFINISHED BUSINESS
 - a. Heritage Property Listing 17 - 18
 - b. Campeau House (11941 Tecumseh Road) and Stone Porch House (11961 Tecumseh Road) Property Search Update
 - c. Heritage Property Tax Relief
8. NEW BUSINESS
9. NEXT MEETING
10. ADJOURNMENT

MINUTES OF A MEETING OF THE HERITAGE COMMITTEE FOR THE TOWN OF TECUMSEH

A meeting of the Heritage Committee for the Town of Tecumseh was held on Monday, March 20, 2017 in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 6:00 pm.

(HC 3-1)

ORDER

The Chair, calls the meeting to order at 6:03 pm.

(HC 3-2)

ROLL CALL

Councillor	- Brian Houston
Councillor	- Rita Ossington
Chair	- Jerome Baillargeon
Member	- Rhonda Dupuis
Vice-Chair	- Ian Froese
Member	- Terry England
Member	- Chris Carpenter

Also Present: Deputy Clerk - Christina Hebert

Absent: Member - Dwayne Ellis

(HC 3-3)

DISCLOSURE OF PECUNIARY INTEREST

None Reported.

(HC 3-4)

DELEGATIONS

None.

(HC 3-5)

COMMUNICATIONS

Minutes

a) Heritage Committee Meeting held February 13, 2017

Motion: (HC-09/17) Moved by Member Terry England
Seconded by Member Rhonda Dupuis

THAT the Minutes of the Heritage Committee meeting held February 13, 2017, be approved.

Carried

Communication for Information

b) National Trust for Canada, Email dated March 14, 2017, Re: National Heritage Trust Awards, Call for Nominations

Motion: (HC-10/17) Moved by Member Rhonda Dupuis
Seconded by Councillor Brian Houston

THAT Communication B on the March 20, 2017, Heritage Committee Agenda, be received.

Carried

(HC 3-6)

REPORTS

a) Manager Planning Services, Report No. 02/17
Re: Official Plan and Zoning By-Law Amendments, 2253246 Ontario Inc., 11957 Tecumseh Road – Proposed Five-Storey/44-Unit Apartment Building

Motion: (HC-11/17) Moved by Member Chris Carpenter
Seconded by Councillor Rita Ossington

THAT Planning Services, Report No. 02/17 regarding Official Plan and Zoning By-Law Amendments for 11957 Tecumseh Road, be received for information.

Carried

Discussion ensues respecting the proposed development of a five-storey/44-unit apartment building.

The Campeau House, listed on the Heritage Property Listing, abuts the proposed development to the west, on the south side of Tecumseh Road. The property is situated on a large, but relatively narrow and deep lot. The Campeau House has a stone foundation, amongst other potential heritage attributes.

It is further noted that the property to the east of the proposed development, 11961 Tecumseh Road has a stone porch and other potential heritage attributes. The residential dwelling is located on the northern portion of the lot close to Tecumseh Road, with two automobile-related commercial uses behind the residential dwelling.

With the impending development, the Members suggest prioritizing the Campeau House and the Stone Porch House on the Heritage Property Listing.

Administration is directed to conduct a property search of 11941 Tecumseh Road and 11961 Tecumseh Road to obtain information on the history and ownership of said properties.

Following the property search, the Members concur with conducting a Cultural Heritage Resources Evaluation on both properties.

(HC 3-7)

UNFINISHED BUSINESS

Heritage Property Listing

The Members review the ‘tracked’ changes made to the Heritage Property Listing. Items noted in red signify changes made by the Committee at the last meeting.

The Deputy Clerk advises the Original Meeting House for Sandwich South no longer exists. The house where the first Sandwich South Council photo was taken is still in existence, located at 2725 Highway #3.

The Members request the following amendments:

Property	Amendment
Original Meeting House for Sandwich South	Change – Name of Property to Sandwich South Council Add – to address, 2725 Highway #3
Tecumseh United Church	Change – ‘Hilicker Architect’ under Style
Stone Porch House	Add – to Listing, 11961 Tecumseh Road Add – to Style, ‘Arts and Crafts’

The above-mentioned amendments will be incorporated into the Heritage Property Listing and brought back to the Committee for review.

(HC 3-8)

NEW BUSINESS

Bill C-323 – Rehabilitation of Historic Property

Councillor Rita Ossington informs the Members about Bill C-323 – *An Act to Amend the Income Tax Act (Rehabilitation of Historic Property)*, a Private Member’s Bill respecting the creation of tax credits for historic places.

Bill C-323 includes the creation of a 20% tax credit on eligible costs for rehabilitation work done to designated historic places (commercial and owner-occupied residential) and an accelerated Capital Cost Allowance for eligible capitalized costs incurred under the same conditions of the tax credit (commercial only).

The House of Commons is scheduled to vote on Bill C-323 on Thursday, March 23, 2017. Input is still being received until March 23rd and the Members are encouraged to individually write the local MP voicing support for the measures contained in Bill C-323.

(HC 3-9)

NEXT MEETING

The next meeting of the Heritage Committee will be held on Monday, April 10, 2017, at 6:00 pm.

(HC 3-10)

ADJOURNMENT

Motion: (HC- 12/17) Moved by Vice-Chair Ian Froese
Seconded by Councillor Brian Houston

THAT there being no further business, the March 20, 2017 meeting of the Heritage Committee be adjourned at 7:14 pm.

Carried

Jerome Baillargeon, Chair

Ian Froese, Vice Chair



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Bill 323: An Act to Amend the Income Tax Act (Proposed)

Paul R. King

Bill 323 is a private member's bill tabled on December 1, 2016, by The Honourable Peter Van Loan, MP for the Ontario riding of York-Simcoe. The Bill was read a second time in Parliament on February 10, 2017, with Mr. Van Loan's recommendation that it be referred to the House Standing Committee on Environment and Sustainable Development for further review. On March 23, 2017, MPs voted to send the Bill to the Committee.

Peter Van Loan is a Conservative Party of Canada MP so there is a serious question whether the Liberal government will support this Bill. Private member's bills are rarely passed into law, especially if proposed by a non-government member of parliament. Two Liberal MPs in opposition to this Bill strongly suggest that the

Liberal government is unlikely to support this Bill. To tip the balance, it is extremely important for heritage advocates to write as soon as possible to their MPs (particularly Liberal MPs) in support of this Bill. The website for The National Trust for Canada (formerly Heritage Canada), nationaltrustcanada.ca, provides a draft letter in support of the Bill with arguments in favour.

What is proposed in this Bill? It will amend the Income Tax Act to provide a 20% tax credit for the rehabilitation costs of historic properties. An "historic property" is defined in the Bill as "a building or other place that is:

(a) commemorated or marked as a historic place under section 3 of the Historic Sites and Monuments Act;

(b) designated as a heritage or historic

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Toronto Island Airport Terminal Building when in use



site or property under the laws of a province that the [federal] Minister [of Finance], in consultation with the Minister responsible for the Parks Canada Agency, designates as having a purpose similar to that of the Historic Sites and Monuments Act; or

(c) listed on the Canadian Register of Historic Places, as administered by the Parks Canada Agency."

The Bill also provides for an accelerated capital cost allowance for capital expenditures incurred in rehabilitation projects. The tax credit would apply to both commercial and residential properties but the accelerated capital cost allowance would only apply to commercial properties. "Rehabilitation expenses" include items such as construction costs, professional fees, insurance costs, development fees, site improvement costs related to the character-defining elements of the property, and yet-to-be specified "prescribed costs". Rehabilitation expenses do not include costs for: (i) the acquisition of the historic property, (ii) furniture, or (iii) aesthetic or cosmetic purposes.

What is not in this Bill? If this Bill is enacted, it will only assist taxpayers who can benefit from tax credits or from an accelerated capital cost allowance. It would not assist Canadians in lower income brackets who pay no or minimal income taxes or Canadians who cannot afford to carry out rehabilitation projects. It would not assist municipalities or other entities that pay no income taxes (such as many church organizations).

It is not clear whether properties designated under the Ontario Heritage Act would be eligible because the federal Minister is to determine which provincial laws are applicable in identifying designated properties. Would this only include properties designated under Part IV of the Ontario Heritage Act that are also national historic sites? Would it include properties within heritage conservation districts (designated under Part V of the Ontario Heritage Act)? Many properties within heritage conservation districts do not have character-defining heritage attributes where rehabilitation is relevant.

At the federal level there is zero protection for the vast majority of heritage properties. This Bill does not deal with this gap. A property may be a national historic site or be listed on the Canadian Register of Historic Places but this does not stop alteration or demolition or demolition by neglect. A good example is the



Derelict Toronto Island Airport Terminal Building. Photo: Paul R. King, 2012

1938-39 Toronto Island Airport Terminal Building (a national historic site) which sits unused and rotting on the south side of the Billy Bishop Toronto City Island Airport property. The property cannot be designated by the city or the province because airports fall under federal jurisdiction.

What concerns do Liberal MPs have about this Bill? On February 10, 2017, in the House of Commons, they argued that:

❑ Tax changes should ideally be made as part of the budgetary process so that all options are examined and a balance is struck between priorities. It is critical that new fiscal commitments are only made when they are affordable and the government can do so responsibly.

❑ The Bill does not cap the amount property owners can apply for and obtain. *[Note: The Bill is drafted so that the Minister of Finance has the authority to cap the amounts. For instance, the Minister could prescribe a limit to expenses by using the "prescribed costs" subsection of the rehabilitation expenses definition.]* There is a concern that this Bill will not be a benefit for the "middle class". *[Note: "Middle class" is a commonly used ill-defined buzzword used by politicians.]*

❑ The Income Tax Act already contains incentives to encourage donations for the preservation of historic assets. *[Note: Tax deductible donations are limited in scope and do not, for example, help the owners of private residences or downtown main street commercial properties.]*

❑ Some property owners will be eligible for the rehabilitation tax credit while their neighbours, who do not own a designated historic property, would not be eligible. *[Note: This concern does not*

recognize the cultural value to Canadians generally of rehabilitating historic properties.]

❑ The tax credit is just providing an unexpected perk to owners for doing work that they are already obligated to do. *[Note: Unless a property is subject to a heritage easement, there is no such obligation for an owner to carry out rehabilitation work. Note my example above of the Toronto Island Airport Terminal Building.]*

❑ The government will have to assess whether Parks Canada has the resources to meet the anticipated increased applications for historic designation and whether the Canada Revenue Agency is equipped to handle the added administrative burden.

Some of these concerns have merit and deserve attention at the committee stage. Other concerns are dubious.

What other concerns about this Bill need to be reviewed by the House Standing Committee on Environment and Sustainable Development?

❑ Should there be a clawback of the tax credit or capital cost allowance or perhaps some other mechanism to deal with rehabilitation work that is later undone by neglect, alteration or demolition? Under some provincial legislation, demolition of designated heritage structures is controlled but this does not apply to national historic sites unless they are provincially designated.

❑ Definitions need to be clarified perhaps by adding details in regulations. For example, rehabilitation expenses do not include costs incurred solely for aesthetic or cosmetic purposes. What does this mean? Some key heritage ornamentation (such as brackets under eaves, carved gingerbread

on gables, or roof cresting) were never functional and solely installed for aesthetic purposes. Is painting with heritage colours or wallpapering in heritage patterns solely for cosmetic purposes? Exterior shutters were once functional but are now solely aesthetic, so can the rehabilitation or replacement of shutters be included as a rehabilitation expense?

□ Is there a way to include heritage properties in heritage conservation districts without also including properties with no heritage attributes? This issue may already be addressed indirectly in the Bill because any rehabilitation must be carried out in accordance with conservation standards,

specifically the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada*.

□ Any rehabilitation work must be certified by a professional architect confirming that the work was carried out in accordance with conservation standards. Is it a good idea to leave the judgement call on eligible work to architects? This may be both too broad and too narrow because most architects are not heritage experts. Perhaps "professional heritage consultants" would be better. This would include heritage architects but also other heritage experts with appropriate qualifications and experience.

This Bill has already been supported by organizations such as The National Trust for Canada, The Royal Architectural Institute of Canada, Heritage Winnipeg, Montreal Mosaic, Heritage B.C., Heritage Ottawa, Architectural Conservancy Ontario, and Community Heritage Ontario. Similar legislation called the US Federal Historic Tax Credit Program has been operating for quite some time in the United States with great success. Bill 323 is an excellent initiative rarely seen at the federal level so I encourage you to add your support to this Bill by writing to your MP.

Paul R. King is a member of the CHO/PCO Board of Directors.

The Inuksuit of Our Lives

Ginette Guy

An inukshuk is a manmade landmark made of stone and used by the people of the north to say you are on the right path. In popular culture, it has come to mean "someone was here." Our old buildings, especially institutional structures, are the inuksuit of our lives. Old care facilities, schools, asylums, and even prisons are, to outsiders, outdated brick and mortar residuals, perhaps with striking architecture. For the people that worked in them, lived or studied in them, they are markers for memories, stories, faces, and even lives.

Recently there was a post about Matt Van der Velde's new book *Abandoned Asylums*. Matt is an Ottawa based photographer and his book is visually stunning and emotionally touching. "A sad and tragic reality that these once glorious historical institutions now sit vacant and forgotten as their futures are uncertain and threatened with the wrecking ball."

For anyone that knows me, they would tell you that I am not given to bouts of melancholy or called overly sentimental. The first to admit that a building, no matter how stunning or historical, needs a purpose and must support itself in some ways, I find a demolition sad, an abandonment, a crime. To abandon a building



Abandoned Asylums
Photo: Jarod Dumouchel, urbexplayground.com

means walking away, turning our backs, with the only plan of allowing time to act on boarded up shells for past nameless occupants.

In some cases, the cost of the wrecking ball is greater than any obvious returns and some buildings can remain empty for years before safety becomes a concern. Do a search on the internet and you will find sites such as "10 Abandoned Buildings Worth Exploring" or "Cool places for urban adventures." The Urban Explore Resource website will even give you a list of places, hazards, security measures, required equipment, and everything you need for a walk through a sanatorium with the nocturnal ghosts.

One of my first jobs was at Mount Sinai Hospital, a sanatorium in the Laurentians of Quebec. Designed by Charles Davis Goodman and David Jerome Spence, it was in operation from 1930 to 1998. Dr. Norman Bethune worked at the hospital in the early thirties and in the 1940s experiments began using antibiotics in the treatment of tuberculosis.

I just learned that the building was demolished after being abandoned for over two years.



Mount Sinai Hospital
Photo: Jarod Dumouchel, urbexplayground.com

I was saddened by what I saw after an online search about Mount Sinai. The photos of the boarded, vandalized building, with damaged hallways and peeling paint, were nothing like the impressive structure I remembered. It was listed and described by Urban Explore Resource as: "Art Deco style building, Jewish influence décor, copper domed chapel with stained glass windows, lots of health equipment still in place, far away from any major city." I was heartbroken. For me, the place was Miss Levine, the small, plainly dressed secretary filled with inner strength; Mr. McNeil with a smuggled pork roast sandwich; and Mr. Farkas with a bowtie, a furrier to the best. In the end, the cost to clean up the site was a million dollars and the cost to tear it down, half a million. Demolition won and in the following years nearby hospitals were expanded and care homes were built.

Matt Van der Velde's book *Abandoned Asylums* is worth a look. For information, go to abandonedasylums.ca.

Ginette Guy is a member of the CHO/PCO Board of Directors.



Mount Sinai Hospital
Photo: Jarod Dumouchel, urbexplayground.com



Ontario Heritage Conference June 8-10, 2017 Ottawa

Another great Ontario Heritage Conference is shaping up. The Local Organizing Committee has been busy putting together a program that will both educate and entertain.

The event opens on Thursday, June 8, with a Welcome Reception at the beautiful Global Centre for Pluralism on Sussex Drive. The opportunity to interact and learn from professionals and like-minded heritage volunteers will continue on Friday and Saturday with diverse and informative sessions.

The opening plenary on Friday, June 9, entitled "Canada 150: Parliamentary Precinct Restoration" will give you an insight only available to conference participants. The Ontario Heritage Trust will present a keynote and a session on "Getting it Right: The Formula for Heritage Conservation." Other sessions will cover rural heritage, indigenous heritage, municipal/provincial grants, and heritage and the law.

On Saturday, June 10, you will be hard pressed to choose between the heritage trade demonstrations organized by the Algonquin College Heritage Trade Program; the alternative directions: inclusive heritage; or the Register session by the Ministry of Tourism, Culture and Sport. The adaptive re-use session on breweries is sure to attract interest, even if no samples are provided.

For those who enjoy discovering an area, there will be walking tours by Her-

itage Ottawa and tours on Brutalism and to the Byward Market area. One bus tour lead by the National Capital Commission will highlight Gatineau Park, Strutt House, and Moore Farm. The second bus tour will center on rural heritage, the Diefenbunker, and Pinhey's Point.

Join us in Ottawa to celebrate Canada 150! Registration is now open. For information visit ontarioheritageconference.ca



Global Centre for Pluralism, 330 Sussex Drive, Ottawa

Ontario Heritage Trust Registrar Files

Erin Semande

Welcome to the first in a new series in CHOnews, the *Ontario Heritage Trust Registrar Files*. In each edition, I will provide highlights, updates, and interesting tidbits from the Ontario Heritage Act Register of heritage properties. If you have questions about the Register, you can direct them to me, Erin Semande, Provincial Heritage Registrar, at 416 212 1704 or erin.semande@heritagetrust.on.ca

Lesser known heritage designations from the Ontario Heritage Act Register

The Ontario Heritage Trust holds thousands of documents from across the province, generated through the municipal designation process. These documents constitute the Ontario Heritage Act Register, a statutory obligation of the Trust mandated under the Ontario Heritage Act ("OHA"). The Register is an archive of the official documents related to all properties designated under Parts IV, V, and VI of the OHA, including bylaws, notices of intention and alterations, bylaw repeals, to name just a few. Under the OHA, municipalities are required to copy these documents to the Trust. They are typically sent from the municipal clerk's office after a Council decision is made. For example, when a designation bylaw has been passed or a decision made about an application for demolition.

For the last six months, staff at the Trust has been busy transferring Register information to our new database system. Through this process, we have reviewed the full diversity of what municipalities have designated over the past forty plus years. While



Sixteen-sided building housing the Roseneath Carousel

commercial streetscapes and historic houses dominate the property types, the OHA can be used more broadly to protect the cultural heritage resources in our communities. Here are seven, lesser known heritage designations.

If these stone walls could talk: Loyalist Township has passed several bylaws to protect thousands of feet of dry stone walls on Amherst Island. These 19th and 20th century walls are an iconic part of the history of the island. The tradition of constructing stone walls continues today. The bylaws go into detail about the length and height of the walls, how many stone courses, fallen sections, and decorative features.

A rare example of "Googie" architecture: Googie architecture was most often used in car-centric buildings including drive thrus, motels, and gas stations. The "Googie" inspired Canadian Tire Gas Bar was designated in 2001 by the City of Mississauga. This 1960s concrete gas bar canopy tells the story of car culture and how it impacted building types and architecture.

Milling machinery: An impressive collection of late 19th to mid 20th century milling machinery, including a powertrain, universal gear, turbine, belts, fly wheels, main gear assembly, drive wheels, weigh scale, plate grinder, bolter, and a double roller is protected in the Spencerville Mill designation bylaw passed by the Township of Edwardsburgh/Cardinal.

A 16-sided building: The Roseneath Agriculture Society's Carousel Building was designated by the Township of Alnwick/Haldimand. This 16-sided barnlike structure with a metal roof was built in 1934 to house a wood carved carousel.

Ontario's only working industrial Heritage Conservation District: The Oil Heritage Conservation District is home to the original discovery of oil in 1858 and the historical development of the first oilfield in North America. The Canadian Jerker Line System of pumping continues to extract oil. This is also the only HCD with boundaries within two municipal jurisdictions: the Village of Oil Springs and Township of Enniskillen.



Spencerville Mill, Milling Equipment

Camp Naivelt - A cultural hotspot: The City of Brampton designated this significant cultural heritage landscape for its association with the summer camp movement, women and labour history, Jewish history and culture, and as a place that fostered the arts and music. The camp is associated with too many notable persons to name, but includes Pete Seeger, the folk group The Travellers, and Sharon Hampson of musicians Sharon, Lois and Bram. The designation of Camp Naivelt includes its cottages, communal buildings, topography, woodlands, paths, and ruins.

"The Great One": The modest childhood home of famed hockey player Wayne Gretzky is protected by the City of Brantford by designation bylaw 99-99, of course.

To learn more about the work of the Ontario Heritage Trust including our plaque program, heritage conservation easements, and Doors Open Ontario, visit heritagetrust.on.ca or follow us on Facebook (OntarioHeritageTrust) and Twitter (@ONheritage).



Oil Heritage District - Jerker Line

Alteration, Demolition, and Partial Demolition?

Dan Schneider

As is often pointed out, retaining just the facade of a heritage building keeps a small part of the structure while trashing the rest. I will not wade into the debate about facadism, but it is interesting to consider how we treat facade retention in our municipal approvals process.

Take the (alas, all-too-common) proposal for redevelopment of a row of designated heritage buildings on Hamilton's Gore Park. Two of the buildings are to be completely demolished. The owner submitted an application for *demolition*. The other two, by renowned architect William Thomas, are also to be torn down, except for the street facade that will be retained and restored. For this, the owner submitted an *alteration* application. Is it strange that a 100 percent demolition and a 90+ percent demolition are treated differently?

Mostly, this is due to our bifurcated approvals process, an entrenched part, for good or ill, of Ontario's heritage protection regime. Alteration to Part IV (individually) designated properties follows the provisions set out in section 33 of the Ontario Heritage Act ("Act"), while demolition/removal follows those in section 34.

Before the 2005 amendments to the Act, as today, an application for alteration could be approved by municipal council, approved subject to terms and conditions, or refused. A refusal could be "appealed" to the Conservation Review Board ("CRB"), which hears evidence, reviews council's decision, and makes a recommendation to council as to whether the

alteration should be approved. Ultimately, it is council that makes the final decision to approve or deny the application for alteration.

Also before the 2005 amendments, an application for demolition or removal could be approved or refused. A refusal started the clock ticking on a 180 days "waiting period," after which the applicant could merrily proceed with the demolition or removal. (This was the case only until 2002. Between 2002 and 2005 the owner had to wait out the 180 days but also needed a building permit for a replacement building before the heritage building could be demolished.) Since a municipality could not ultimately stop a demolition, there was no need for an appeal process. Since 2005, municipalities have been able to say no to demolition. The owner can appeal the refusal to the Ontario Municipal Board, which makes the final decision.

The difference today between applications to alter and those to demolish is not so much what kind of decision gets made but the kind of appeal you can make. For alterations, the decision is referred to the CRB for a recommendation and then back to council for a final decision or, on demolition, to the OMB for a binding decision. Faced with a choice of appeal route, most applicants would opt for the OMB. But there is no choice in practice; it is either an alteration (CRB) or a demolition (OMB), right?

The Act defines alter as "to change in any manner and includes to restore, renovate, repair or disturb and 'alteration' has a

corresponding meaning." Demolition is not defined. This is because the meaning is straightforward, such as in one dictionary, "to destroy or ruin (a building or other structure), especially on purpose; tear down; raze." Hence, the long recognized principle that anything short of flattening the site is legally an alteration rather than a demolition. The City of Toronto Official Plan (pages 3-20) makes this explicit: While alteration is defined as in the Act, demolition is defined as "the complete destruction of a heritage structure and property from its site, including the disassembly of structures . . . for the purpose of reassembly at a later date."

So, back to facadism. If a few feet of a side of a building are all that is kept, this is an alteration not a demolition. Or is it?

In OMB Case No. PL090501 (November 4, 2010), *Rams Head Development Inc. v. Toronto (City)*, a developer applied to demolish a designated three-storey building at King and Sherbourne streets in Toronto, proposing to reconstruct the two street facades later as part of its redevelopment of the site. The city refused and the developer appealed to the OMB. The developer then revised its proposal so as to retain in situ the two walls of the building and amended its demolition application accordingly.

At the outset of the hearing, the OMB heard an argument that it had no jurisdiction to decide the appeal because the revised proposal "constitutes an alteration affecting the heritage attributes of a property designated under Part IV [of the

Act]." But the appeal was intertwined with the appeal of planning decisions and the City did not push the point. The OMB chose to address the issue and decided it had full authority to decide the appeal including (per the demolition appeal provisions of the Act) the ability to impose terms and conditions concerning the retention *in situ* of the two walls.

Some have interpreted this decision as saying that the OMB has jurisdiction over cases involving the "partial demolition" of designated structures. (See the viewpoint of the law firm Aird & Berlis lexology.com/library/detail.aspx?g=a39edc30-8d2b-44e5-be4a-af9e9d6522ec.) According to this view, applicants proposing to take down a small or large part of a heritage structure have the option to frame the application as a demolition, thereby giving them the right to appeal to the

OMB; rather than an application for alteration, which gives council the final decision. In other words, that the Act provides a choice on which route to take.

Partial demolition? Hmm. On such a reading, the decision flies in the face of the longstanding either/or, pregnant/or not view of alteration and demolition. It also disregards the City of Toronto's distinction between alteration and demolition.

In *Rams Head*, the OMB did not use the term "partial demolition" nor make any claim for jurisdiction over such situations generally. The case had come before it as a bona fide full demolition appeal and then, as the parties attempted to reach a compromise, morphed into one about how many facades should be retained. Neither party challenged the OMB's continued jurisdiction and the Board did not even need to rule on the question. When it

did, it was stated that in the circumstances of the case, the OMB had the authority to impose the final two-facade solution.

Bottom line? In my view, this case cannot be relied on as widening the accepted definition of demolition at the expense of alteration, and therefore, extending the OMB's purview to disputes involving less than (full) demolition. There is no real flexibility to pitch your alteration application as a "partial demolition."

In a heritage conservation district under Part V of the Act, with just one process for both alteration and demolition, it is a much simpler process.

Dan Schneider is a former senior policy advisor with the Ontario culture ministry and blogs on heritage policy at danschneiderheritage.blogspot.ca.

Renovation of the McIntyre-McFadden House

Don Taylor

A five year adventure in renovating the abandoned McIntyre-McFadden stone farmhouse near Kingston has come to an end with its recent sale. Renovation of heritage houses is actively encouraged by CHO and is an important mission of the Frontenac Heritage Foundation ("FHF"), a volunteer organization that promotes heritage building preservation in the Kingston area. Many members of such groups have taken part in renovating heritage buildings over the years, and they and others may be interested in the story of this project. The intention here is not to go into many details, but to review the major issues and decisions that often arise, and to give some thoughts in hindsight on the project.

A landmark on Highway 2 between Kingston and Gananoque, the farmhouse held the attention of locals and travelers who watched its sad decline over the years from an active residence with handsome barn and conspicuous wind-charger tower, to a vacant building laid waste by fire, weather, and trespassers. When it came on the market in the summer of 2011, the front portion of the building was open to the sky with the roof and floors collapsed into the basement, and with stones falling dangerously from the upper walls. The basic stonework and layout were still attractive and the house was beautifully set on a generous private lot with fine views over a valley at the rear. Over the years, I had gained some enjoyment and experience in renovating heritage buildings, and was tempted to undertake what could be an exciting project.

To buy the property was obviously a tough decision. The initial cost was not the issue, but the expense of restoring the house would be large and unpredictable. The financial challenge would be greater in the case, like this, where the plan was not to live in the completed house but to resell it in whatever the market was at the time of completion. I consulted some knowledgeable acquaintances with construction and architectural experience before taking the plunge, but it has been said truly that the decision to buy a house is often emotional, not rational. It was an ambitious retire-



McIntyre-McFadden farmhouse after purchase in 2011

ment project, but saving this fine building would surely provide much satisfaction.

The earliest decisions are the choice of architect and a builder. For smaller scale renovations an architect may not be necessary, but where there are significant additions to a building or changes in room functions, it is important to have the advice of not merely a good architect, but one with considerable experience in heritage buildings. It is essential to choose a building contractor with expertise in heritage buildings. Such people understand how to work with older buildings and how to satisfy modern requirements and expectations while preserving and enhancing the heritage features and character.

A major heritage renovation project often begins with a decision about whether to substantially strip the interior so that insulating, wiring, plumbing, and heating can be done properly, or to



The renovated farmhouse with the 1858 McIntyre house in the centre; the 1878 McFadden addition on the left; the modern addition on the right.

leave original fabric as intact as possible and try to improve the facilities as best one can. Fortunately in this case, no decision was necessary, since little remained of the interior finish apart from some window paneling and wainscoting, but in other cases the decision can be difficult. Builders and tradespersons with no commitment to heritage fabric generally prefer to simplify their work by stripping the interior to the walls, inevitably at the cost of character and authenticity.

A fundamental question in renovating a heritage house is whether to build an addition to provide more living space. Current generations undoubtedly expect much more space than those of 50 or a 100 years ago, so the answer is usually yes. The original 1858 McIntyre house was essentially one large room, with a sleeping loft above. When the McFaddens purchased the farm in 1877 they added a two storey structure with four more rooms on each floor. Nevertheless it was clear to us that prospective buyers of this property would demand more space. The challenge was to design an addition to provide desired space without spoiling the heritage qualities of the building. Architect Bruce Downey achieved this by keeping the height of the addition below that of the original building, locating the addition to the rear of the original building, and keeping its exterior finish subordinate to the original building. The addition comprises an attached two car garage with a large room above, a spacious new entry with laundry room below, and a long room that enclosed and extended the previous summer sitting room. All these new rooms included generous windows to provide attractive views over the valley to the rear.

Choosing a heating system was a basic question. Natural gas would be the obvious choice but the city's gas lines did not extend this far. The lot provided plenty of open space and a six foot depth of heavy clay, ideal conditions for a ground loop heat pump system. This system provides efficient heating as well as air conditioning during the summer months.

Although in period stone houses the interior sides of the stone walls were originally covered, the current preference is to show the interior stones as much as possible. Exposing stones on the inside is undesirable because of substantial heat loss. We were fortunate that the way the house has grown in stages meant that a number of walls that were originally exterior became interior, and hence the stones could be exposed on both sides.

A significant challenge in renovating heritage buildings is meeting current building code requirements for floor rigidity, while simultaneously providing larger rooms. The consequent use

of deeper floor and ceiling joists and additional supporting beams means the loss of some headroom in living spaces and basements. Careful design and compromise were needed to minimize this challenge.

When renovating to sell a property, the sooner one can find a buyer the better, so that the new owner can make decisions about kitchen layout, paint colours, bathroom and lighting fixtures, etc. Unfortunately this plan conflicts with the reality that most home buyers are unable to visualize finished and furnished spaces during the construction phase. Although we listed the property for sale at an early stage, there were no offers. There was little choice but to continue. This did have the advantage that if the house were not sold it could be rented to avoid leaving it empty.

When the house was substantially completed and very attractive to visitors, there were few interested buyers. Unfortunately for us, the Kingston area real estate market is nothing like those in Ontario's major urban areas. Also, we realized that for those who can afford a relatively expensive house and who wish to live in the country, a beautiful heritage house may not be preferred over one with water frontage or a huge modern house. Most likely the market would have been significantly better if we had added more floor area, or if it were located closer to Toronto. The good news is that we eventually found buyers who fully appreciate this property and are happily settled there. The bad news is that we did not recover our investment. While not a surprise, it was disappointing, and has prompted some thoughts and suggestions that organizations like CHO and FHF might consider.

In its early days, FHF purchased, renovated, and sold several properties with the objective of encouraging renovation of heritage properties in the community. It was probably true, then as now, that such renovations are a challenge in economic terms, but an important component of those early projects was a significant input of volunteer labour. That kind of initial enthusiasm cannot continue indefinitely, and FHF has not undertaken such direct renovation projects for many years.

Are there ways for FHF and similar organizations to use their resources to stimulate heritage conservation indirectly? Perhaps there are, through the use of charitable organization status. Consider a person who donates a work of art from his private collection to a public art gallery so that it becomes accessible to the community. He receives a receipt for a charitable donation from the gallery that could provide a substantial tax refund. In effect, he receives a cash compensation for his donation, although not for its full value. Likewise, heritage buildings are a community asset and someone who restores a deteriorating heritage house is making a contribution to the community exactly in line with the objectives of organizations such as FHF. There could be a number of ways in which such contributions could be recognized by a charitable receipt, but they and their validity as charitable donations need to be examined.

In the case of this farmhouse, it was astonishing how many people we met who had followed the saga of its decline over the years and then its recent resurrection. Many made a point of expressing their gratitude. This kind of response from the community has certainly made it worthwhile.

Don Taylor is a member of Kingston's Municipal Heritage Committee and the Frontenac Heritage Foundation.

Win This Space

Tracy Gayda

Heritage is an important factor in today's economic development and sustainability. Tourism is universal and around the world, culture and heritage play a very important part in drawing people to a place, especially to older urban cores.

Downtown cores are an integral part of many of the heritage conservation districts in Ontario. The National Trust for Canada promotes Main Streets in its mandate throughout the country. Many municipalities have Facade Improvement Plans, also called Community Improvements Plans, which benefit the appearance of a main street. As part of this attention to the importance of downtown cores, the Town of Uxbridge initiated the "Win This Space" contest in Ontario in 2013. It received an award at the National Business Improvement Area (BIA) Conference in Hamilton the following year. Win This Space provides instruction and assistance in business startup hopefuls, and a grand prize of free commercial rental space for a year.

Influenced by its success, Seaforth launched its own contest. At the time, many businesses were faced with challenging economic times resulting in a higher than normal vacancy rate in its downtown. The innovative business recruitment of Win This Space helped nurture its downtown and heritage conservation district, demonstrating the importance both play in the community. Nine new business startups were realized as a result of this initiative.

Over the past two years, the Win This Space initiative has grown throughout Ontario with the communities of Peterborough, Orleans, Sudbury, and Pembroke already in progress or completing their contests. A few municipalities are hoping to launch the program this year.

The Win This Space contest takes lots of hard work and many stakeholders to make the event a success. Key players are the municipality, Community Futures Ontario, Small Business Enterprise Centres, Chambers of Commerce, BIAs, educational resources, local business people, and the media. Most important are the people interested in seeing their community rise and shine again. The building blocks of the contest are entrepreneurs that want to develop and grow a new business in the host community. Contestants do not have to be residents of the area, but must commit to starting their business in the respective community.

The first step is to develop a plan for the contest. You need to advertise and provide an application that outlines what the program involves; rules and regulations; timelines; budget; and details about what will be provided to the contestants and what is expected of a contestant. The important aspect of the contest is that not only will contestants be in the draw, but through the contest will acquire the tools they need to run a successful business, which in turn will improve the local economy. The grand prize is awarded after the contestants go through usually four steps, as follows:

1. Submit an application outlining the type of business or service they want to provide. (The permitted entries can be limited to the number of rental spaces the contest is able to provide.)
2. Complete a business plan and attend entrepreneurial workshops. These are mandatory. The plans are reviewed and those making the cut move forward to the semifinals. They continue to attend workshops and fine tune their plan for the final step.



3. The semi finalists present their business plan and provide a presentation of their business concept to the judges, typically at a gala type event. The winner is selected.

4. The grand prize includes free commercial rental space for a year. The rental spaces are predetermined by property owners that commit their resources to the contest. Also included are in kind services of marketing and promotion; continued business consulting services for a period of time; and other perks that the contest promoters are able to make available through area businesses.

The positive result of Win This Space is the economic enhancement of a downtown area. Municipalities have found that contestants who completed all stages of the contest went on to open businesses without the benefit of the grand prize, having gained knowledge and confidence as they moved forward with their plans. Furthermore, the contest provides an opportunity for the municipality to promote that they are "open for business" and demonstrate that they have the resources for future development. There may be secondary prizes for continuing education or consulting services. It is a win/win situation for budding entrepreneurs and the community.

What does this have to do with heritage? It shows that older main streets are "front and centre." They represent an important part of the area's history, including its ups and downs over the years. Revitalizing old downtown cores can promote economic sustainability and a greater sense of community.

As a municipal heritage committee member, I learned about Win This Space at the presentation by Jan Hawley, Economic Development Officer for the Municipality of Huron East, at the Heritage Symposium held in Smiths Falls in 2014. She returned in December 2016 to again speak about the contest for those interested, not only in heritage, but looking for ideas to improve their municipality's economic outlook.

There are many local heritage workshops and symposiums held throughout the year in Ontario. Community Heritage Ontario attends some of these offering information on its organization, as well as speakers. A well-informed heritage committee member is one of the best assets council can have.

These websites offer information about Win This Space:

huroneast.com/index.php?sltb=win

durhamregion.com/news-story/4529986-uxbridge-bia-recognized-for-win-this-space-initiative/

kawarthanow.com/2016/10/17/win-this-space-peterborough/

pembroke.ca/economic-development/win-this-space/

cfontario.ca/media-releases/2016/5713-win-this-space-wins-community-economic-development-award

Tracy Gayda is a member of the CHO/PCO Board of Directors.

President's Message

Wayne Morgan

Build Your Register or face demolition!

In January 2017, the media reported the demolition of a 110 year old heritage structure at 2444 Yonge Street (see photos) in Toronto. The demolition was opposed by the community. Regardless, the owner had the appropriate permit to demolish the structure. How did this happen? Could this happen in your community?

How did this happen?

Under the Building Code Act, a chief building official is required to issue a demolition permit within a short period of time unless there are life/safety issues or unless there is applicable legislation requiring a delay or prohibition of demolition. Such legislation includes the Ontario Heritage Act where a property may be listed in the Register of Heritage Properties or designated under the Act. The property at 2444 Yonge Street was neither listed nor designated, although the community was working to get municipal staff and Council to list the property in the Register. The owner applied for the demolition permit under the Building Code Act and the Chief Building Official issued the permit within 30 days, insufficient time to take a report requesting designation to City Council. The owner acted on the issued demolition permit.



2444 Yonge Street, 1921
Photo: City of Toronto Archives

Could this demolition have been prevented?

Yes, it could have if the property had been listed or designated. If it was listed, Council would have 60 days, from the date on which it was notified that an application had been made under the Act to demolish or remove a structure, to consider whether to designate the property. Generally, this is sufficient time to get a report to a municipal council for it to make a decision. If it was designated, Council could refuse the demolition and the owner may appeal council's decision to the Ontario Municipal Board.

What is required to list a property under the Ontario Heritage Act?

All that is required under the Ontario Heritage Act for a council to list a property in its Register is a description of the property sufficient to determine its location. No reasons for listing or identification of heritage attributes is required. Similarly there are no notification requirements for listing a property. However, having listed a property, if a demolition application is made under the Act, Council must decide within the 60 day period, or the application is deemed approved.

Some municipalities have added extra requirements for listing, such as preparation of a detailed staff report or notification of the owner. Such additional requirements, if they cannot be done expeditiously, could delay council's decision and result in the demolition of a heritage structure.

Could such a demolition as 2444 Yonge Street happen in your municipality?

Yes, if the property is not listed in the Register, a heritage structure could be demolished. So work with your Council to include all potential heritage properties, especially those where demolition may be imminent, in your Register. Further, work



2444 Yonge Street, c.2015
Photo: Google Streetview



2444 Yonge Street, 2017
Photo: CBC

with your Council to make sure that your municipal heritage Register listing procedures are not so onerous or time consuming as to prevent an expeditious listing of a property.

CHO/PCO Mission Statement

To encourage the development of municipally appointed heritage advisory committees and to further the identification, preservation, interpretation, and wise use of community heritage locally, provincially, and nationally.

CHO/PCO Board Meetings

CHO/PCO Board of Directors' meetings are open to any MHC member. Please contact the Corporate Secretary to confirm each date before attending. Scheduled meetings will be held at 6282 Kingston Road, Scarborough.

CHO/PCO Board of Directors 2016-2017

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We Want to Hear From You

CHOnews is YOUR quarterly publication. We want to know about the initiatives, achievements, challenges, and concerns of your Municipal Heritage Committee. Information networking through CHOnews is important. Submissions are welcome at any time.

Disclaimer

The content of CHOnews does not contain nor reflect any opinion, position, or influence of the CHO/PCO Board of Directors or the Editor of CHOnews. Submissions received for publication in CHOnews are changed only for purposes of legibility and accuracy to the extent that can be readily determined.

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One Sixth 5"x 2.6"	\$50
Business Card	\$25

CLASSIFIED ADS: \$12.00 per column
inch

To place an ad in CHOnews, please
contact Rick Schofield at

416.282.2710

schofield@communityheritageontario.ca

CHOnews Deadlines

CHOnews issues are Spring, Summer, Fall, and Winter. The deadlines for submission are as follows:

- ☐ March 10 (Spring issue)
- ☐ June 10 (Summer issue)
- ☐ October 10 (Fall issue)
- ☐ December 10 (Winter issue)

Submissions are always welcomed.

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Upcoming Workshops

Elena Veldman

Thank you to each of the member Municipal Heritage Committees that submitted feedback on workshop and webinar topics that are of interest to them. Committees expressed an interest in a variety of the advertised topics, two of the more popular subjects being Researching Heritage Properties and Heritage Conservation Districts. To date, we have one workshop confirmed for 2017 and are working on several other requests. We encourage committees to watch for registration information on workshops that may take place in their area later this year.

Heritage Haldimand is hosting a workshop on Researching Heritage Properties, led by Wayne Morgan, Heritage Planner and CHO/PCO Board President. This will be held May 13, 2017, from 10 am to 2:30 pm at Edinburgh Square Heritage and Cultural Centre, 80 Caithness Street, Caledonia. There is space for

ten neighbouring MHC members in addition to the spaces reserved for Heritage Haldimand members, county staff, and interested members of the public. The workshop will discuss and illustrate heritage research sources ranging from census records through insurance plans to architectural design books. This will give participants a chance to know which information needs to be compiled in order to recommend listing and designating heritage properties under the Ontario Heritage Act. To register, contact elenaveldman@community-heritageontario.ca

Do not forget to join us for the 2017 Ontario Heritage Conference, June 8 to 10, 2017, in Ottawa. Details can be found at ontarioheritageconference.ca

Elena Veldman is the Program Officer for the CHO/PCO Board of Directors.



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Let's hear from you! Send your news and comments to the Editor for publication in CHOnews.

Articles should be in Word format. Images should be sent as .jpg attachments in high quality resolution (300 dpi). Do not embed the images in the text of the article. Captions and credits need to be provided.

Newspaper articles as updates to Municipal Heritage Committee activities cannot be used without permission of the newspaper and/or the original author. Text written by the MHC is encouraged.

Articles are published in the language they are received.

Editor and Technical Production by Celia Laur. Contact at Corporate Address above.

CHO/PCO is on Facebook.

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Interested in hosting a future Ontario Heritage Conference?

We are presently looking for communities who would be interested in hosting our Annual Ontario Heritage Conference for future years starting with the 2019 opening. Hosting a conference is a great way to showcase your community and all the great work you do in heritage conservation.

For more information and deadline please view the RFP posted on
www.communityheritageontario.ca



Town of Tecumseh - Potential Heritage Sites						
Name of Property	Street #	Street Name	Year	Architecture/Style	Sector	Brief Description
Bell at St. Anne Highschool	12050	Arbour Street			Tecumseh	Moved to Lakeshore
Seguin House	424	Brighton Road			St. Clair Beach	
St. Mary's Cemetery	12048	County Road 34		Cemetery	Maidstone	
Victoria Public School	12433	Dillon Dr.	1926	School	Tecumseh	
Sandwich South Council	2725	Highway #3			Oldcastle	Location where first Sandwich South Council Photo was taken
St. Stephen's Church	5280	Howard			Oldcastle	
St. Stephen's Cemetery	5282	Howard			Oldcastle	
Lachance Farm	11945	Intersection Road			Sandwich South	
Old Power House - Family Traditions Property	1192	Lacasse Blvd.			Tecumseh	
Poisson House	1115	Lacasse Boulevard			Tecumseh	
Lacasse Park	590	Lacasse Boulevard			Tecumseh	
Tecumseh United Church	333	Lacasse Boulevard		Hillicker Architect	Tecumseh	
Lessard House		Lesperance Road			Sandwich South	
Desjardin House		Lesperance Road			Sandwich South	
Aspect House	1107	Lesperance Road			Tecumseh	
St. Anne's Cemetery		Lesperance Road			Tecumseh	
Lemire House	1061	Lesperance Road			Tecumseh	
Sylvestre House		Manning Road			St. Clair Beach	
Lakewood Golf Course	13451	Riverside Drive			St. Clair Beach	
Lakewood Club House	13438	Riverside Drive	1919		St. Clair Beach	Privately Owned by Bob Oakman & Bert Manning
Beach Grove Club House	14134	Riverside Drive	1922		St. Clair Beach	First Club House Wooden - burned in 1927 Rebuilt in 1929
	13749	Riverside Drive				
Severs Property	13158	Riverside Dr.				
Pro Shop	115	Kensington				
St. Mark's by the Lake Anglican Church	150	St. Marks	1953		St. Clair Beach	First Church in St. Clair Beach
D.M. Eagle School Site	14194	Tecumseh Rd.	1928		St. Clair Beach	
Old Cada Homestead	14242	Tecumseh Rd.			St. Clair Beach	
Robinet Hardware	12222	Tecumseh Road			Tecumseh	
Lacasse House	12125	Tecumseh Road			Tecumseh	

Tecumseh Area Historical Society site including log cabin and sheds	12350	Tecumseh Road			Tecumseh	
Campeau House	11941	Tecumseh Road			Tecumseh	Blue House on Tecumseh Road
Stone Porch House	11961	Tecumseh Road		Arts and Crafts	Tecumseh	
Log Cabin	6455	Walker Road			Sandwich South	
Lachance House		William Street			Tecumseh	Building near track field
Baillargeon House	13028	Tecumseh Road			Tecumseh	
Baillargeon House	13754	Tecumseh Road			Tecumseh	
Grain Elevator					Maidstone	
Mrs. John's General Store					Maidstone	
Old Seven Ponds					Sandwich South	E.C. Row near Shawnee
				Century Farm	Sandwich South	Mrs. Mary (Emmett) McCarthy
				Century Farm	Sandwich South	Mr. & Mrs. Ted Ure
				Century Farm	Sandwich South	Mr. & Mrs. Frank O'Neil
				Century Farm	Sandwich South	Gary & Russ O'Neil
				Century Farm	Sandwich South	Lonboroug/Bedford Family
				Century Farm	Sandwich South	Ron & Joyce Holden
				Century Farm	Sandwich South	Edmund & Donna Curtis
				Century Farm	Sandwich South	Murry & Marcy McKenzie
				Century Farm	Sandwich South	Doug & Annie Pettypiece
				Century Farm	Sandwich South	Gordon & Thomas Collins
				Century Farm	Sandwich South	The Battersby Family
				Century Farm	Sandwich South	The Halford Family
				Century Farm	Sandwich South	The White Family
				Century Farm	Sandwich South	Pearl Farough & Family