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CONSERVATION REVIEW BOARD

RE: THE CORPORATION OF THE TOWN OF NEW TECUMSETH – INTENTION TO DESIGNATE THE PROPERTY KNOWN AS 5116 SIR FREDERICK BANTING ROAD (ALSO KNOWN AS THE BANTING HOMESTEAD), IN THE TOWN OF ALLISTON, FORMERLY EAST HALF, LOT 2, CONCESSION 2, ESSA TOWNSHIP, SIMCOE COUNTY, ONTARIO.

Peter A.P. Zakarow, Chair
Su Murdoch, Vice-Chair

September 10 and 11, 2007

This hearing was convened under section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, amended to 2006 (“Act”), for the purpose of reporting to the council of the Town of New Tecumseth, Simcoe County, Ontario (“Town”), whether, in the opinion of the Conservation Review Board, on the basis of the evidence it heard, the property known as 5116 Sir Frederick Banting Road should be protected by bylaw under section 29 of the Act.

The current legal description is the East Half, Lot 2, Concession 2, Essa Township, now the Town of New Tecumseth, and the current owner is the Ontario Historical Society Foundation (“Foundation”). This property is unoccupied and contains a house, barn, piggery, silo, henhouse, implement shed, cow shed, garage, rail fencing, farmyard, cultivated fields, commemorative markers, and related cultural heritage landscape features. This is the 1891 birthplace, childhood home, and family home of Sir Dr. Frederick Banting (“Frederick”), co-discoverer of insulin who in 1923 was the first Canadian awarded a Nobel Prize in Medicine.

The Board held two pre-hearings on this matter, April 18 and May 7, 2007. At those pre-hearings the Town and the Foundation agreed to the protection under section 29 of the Act of the approx. 4.7 acres of the subject property that contain the dwelling, outbuildings, yard, and associated lands, but not the cultivated fields. The Town also indicated that it would be issuing a revised Notice of Intention to Designate to provide for the protection of all approx. 100 acres of the subject property, and not the 70 acres as indicated in the Notice of Intention to Designate issued on November 20, 2006.

A revised Notice of Intention to Designate was published on June 16, 2007. One objection was filed with the Clerk of the Town, that being the Ontario Historical Society Foundation's, with reasons stated in its Notice of Objection dated July 16, 2007 (Exhibit 8, Tab 3).

Notice of this hearing was given by the Board, in the manner required under the Act, in the *Alliston Herald* on August 22, 2007. An affidavit by a member of the Board's staff with respect to this notice was filed as Exhibit 1.

The hearing day commenced with a site visit of the subject property at 9:00 a.m. on September 10, 2007, and the hearing convened the same day at 10 a.m. in the Town of New Tecumseth Council Chambers, 10 Wellington Street East, Alliston, Ontario.

The hearing ended at about 3:30 p.m. on September 11, 2007.

Counsel in Order of Appearance

Mr. James J. Feehely, solicitor, Feehely, Gastaldi, on behalf of the Town of New Tecumseth

Ms Anne Benedetti, solicitor, Goodmans, protem co-counsel on behalf of the Town of New Tecumseth

Mr. Ian Godfrey, solicitor, Heenan Blaikie, on behalf of the Ontario Historical Society Foundation

Witnesses In Order of Appearance

Ms Rachelle Clayton

Mr. Larry Keogh

Ms Donna Jebb

Ms Julie Harris

Dr. Peter and Mr. Robert Banting (witness panel)

Mr. Christopher Oslund

Dr. Brian Osborne

Members of the Public In Order of Appearance

Mr. William Smith

Ms Jane Beecroft

Dr. David Fayle

Ms Marilyn Holmstrom

Mr. Robert Young

Procedural Matters

1. Request for Party Status

On August 24, 2007, the Board received an application under section 29(8) of the Act to allow the Banting Family party status at this hearing.

Dr. Peter Banting and Mr. Robert Banting were in attendance at the start of the hearing "on behalf of the Banting Family" and were represented by legal counsel, Ms Anne Benedetti.

Ms Benedetti stated that it is within the Board's jurisdiction under section 29(8) of the Act to allow "other such persons as the Board may specify" to be parties to a hearing and that this is to ensure that the Board hears the "best evidence possible" toward making a final recommendation. She cited Ontario Municipal Board PL000947, PL000037, June 20, 2001, re Sandhill Aggregates Ltd., Cougs Investment Ltd., and Cherry Downs Co-Venture Ltd. in which the OMB deliberated over a request for party status.

Ms Benedetti explained that the Banting Family has the most direct interest in these proceedings, have a proven "good faith involvement," and have spearheaded the designation interest in the subject property. Dr. Peter Banting and Mr. Robert Banting are direct descendants of Dr. Frederick Banting and would be prejudiced against, and their interests less effective, if not allowed to autonomously present evidence, cross examine witnesses, and give a closing statement.

Mr. Feehely indicated to the Board that the Town recognized that the Banting Family has a different association with the matter than the Town, and needed its own counsel to effectively present its case. The Town supported this request and added that, regardless of the Board's ruling on party status, the Banting Family "will be heard."

Mr. Godfrey indicated the Foundation's opposition to the request. He stated that the responsibility "to make the case for designation rests with the Town." The Banting Family representatives have the opportunity to be witnesses on behalf of the Town, and/or make statements as public members. Adding a party will lengthen the proceedings and be prejudicial to the Foundation unless the hearing is adjourned to allow the Foundation the opportunity to review the details of the Banting Family evidence.

The Board recessed to consider the matter.

After careful contemplation of all of the issues and interests, the Board denied the Banting Family official party status at this hearing. Here are the Board's reasons.

While it is true that the Board has the power under S. 29(8) of the Act to "allow other such persons as the Board may specify" as an official party to a hearing, the Board also maintains the practice of ensuring that all interests are fairly expressed in an open, facilitative way, while ensuring that submissions speak directly to the Board's mandate of evaluating the cultural heritage value or interest in a property. In this case, the Board assessed whether the case for designation would be diminished without the inclusion of the Bantings as a party, as well as whether there would be any reasonable prejudice to the Objector's case through the inclusion of the Bantings as a party. The Board found that granting the Bantings party status would not afford the Bantings any further ability to advance their case beyond being called as witnesses for the Town, or being able to speak as citizens. Some of what the Board contemplated were:

1. The Banting Family are in support of the Town's position to designate and did not file a separate Notice of Objection to the original Notice of Intention to Designate only 70 acres. The Board considers this an indication that the Bantings are fully supportive of the revised Notice of Intention to Designate the complete property and thus would share a very similar perspective and case to that of the Town. The Board follows a practice under the Act of combining parties when their interests are so similar.

2. In their statements on this issue, the Town indicated that the Banting Family “will be heard,” suggesting that representatives will be called as witnesses and/or will be making statements as members of the public, thus indicating that the Bantings would already be playing a significant role in the hearing;
3. Members of the Banting Family did not seek party status until after the conclusion of the two pre-hearings during which important issues were discussed and an agreement on protecting the approx. 4.7 acres was reached;
4. Adding the Bantings as a Party, and accepting their submission book, would have forced an adjournment to allow the Objector to review the Banting Family evidence and resulted in a delay that might be prejudicial to the Foundation;
5. After briefly reviewing the Banting Family submission book, the Board determined that the majority of the materials spoke to the historical significance of Dr. Frederick Banting, which was earlier outlined by the Board as an agreed statement of fact. None of the materials, or any of the verbal submissions by Ms Benedetti, supported that the Bantings intended to raise any new issues that were substantially differentiated from the Town’s issues.
6. Fundamentally, the Board could not conclude that the Bantings’ ability to communicate their case would be constrained by not granting them official party status.

2. Appointment of Ms Benedetti as Co-Counsel for the Town

As a result of the denial of party status for the Banting Family, the Town requested that Ms Benedetti be accepted as co-counsel for the Town in regard to the examination of Dr. Peter Banting and Mr. Robert Banting, and related matters. The Board agreed to this arrangement.

3. Late Filing of Notice of Objection

The Board noted that the Town received the Notice of Objection filed by the Foundation on July 17, 2007, one day past the close of the 30-day period for filing an objection. It was acknowledged that the Notice of Objection is dated July 16 and marked for overnight fax delivery.

The Town indicated as the Notice of Objection was probably received the night of July 16 by fax, the Town is willing to accept its validity. The Board concurred.

4. Protection of Approx. 4.7 Acres

The Board held two pre-hearings on this matter on April 18 and May 7, 2007. At those pre-hearings the Town and the Foundation agreed to the protection, under section 29 of the Act, of the approx. 4.7 acres of the subject property that contains the house, barn, piggery, silo, henhouse, implement shed, cow shed, garage, rail fencing, yard, commemorative markers, and immediate cultural heritage landscape features. This was not to include the cultivated fields. The Town and the Foundation reiterated that this is their agreement.

5. Commemoration of Sir Frederick Banting

The Board indicated at the start and throughout the proceedings that there is no question of the pre-eminence of Sir Frederick Banting as co-discover of insulin and a

Canadian worthy of commemoration. Extensive evidence to support this claim would not be necessary for the Board to deliberate on the matter before it.

6. Jurisdiction of the Board

The parties were cautioned that the jurisdiction of the Board is to determine, based on the evidence heard, if the subject property holds sufficient cultural heritage value or interest, as defined by Regulation 9/06, to proceed with designation by bylaw under section 29 of the Act. As such, the parties were advised that the following matters are outside the jurisdiction of the Board:

- Issues relating to the physical condition of the property and/or costs of repairs, past or projected;
- Issues of demolition or removal of any buildings or structures, as these are the jurisdiction of the municipal council and, on appeal, the Ontario Municipal Board;
- Issues of current or future potential use;
- Planning issues that are under the jurisdiction of the Planning Act, unless for clarification purposes; and,
- Matters related to the transfer, sale, or purchase that may have transpired or are pending, as this relates to ownership and use of the property.

In this way, the permissible scope of evidence was clearly communicated to all parties.

As is the custom of the Board at the start of the hearing, members of the public in attendance were asked if they intended to participate by making a statement later in the proceedings.

Case for the Town of New Tecumseth

Mr. Feehely, solicitor on behalf of the Town, began by explaining that the position of the Town is to designate the property under section 29 of the Act in its entirety, that is the approx. 100 acres including all buildings, cultural heritage landscape features, and cultivated fields. He filed a *Document Book of the Corporation of the Town of New Tecumseth* with Tabs 1 thru 26 (Exhibit 2).

Witness – Rachelle Clayton

Ms Rachelle Clayton was sworn.

Ms Clayton was identified as the curator for the Museum on the Boyne in Alliston. She stated that she has held this position for 13 years, is a founding member of the Sir Frederick Banting Education Committee, and is recording secretary of the local municipal heritage committee, Heritage New Tecumseth. A statement of her heritage community related activities was provided as Exhibit 4.

Ms Clayton stated that she had a direct involvement with the preparation and final writing of the report, *Draft Study of the Banting Homestead/Birthplace, 5166 Sir Frederick*

Banting Road, New Tecumseth, Formerly Lot 2, Con 2, Essa Township, prepared by Rachelle Clayton, Lory Whittemore and Carolyn Moore, January 8, 2007 (Exhibit 3) ("Clayton, Whittemore, Moore"). She outlined that this report was compiled using reminiscences, archives, and library sources.

It was explained to the Board by Ms Clayton that Heritage New Tecumseth maintains a database of over 800 properties prioritized by proposed action: designation under the Act, commemoration with plaques, and/or for further study. She has personal knowledge of the fact that discussion about the designation of the Banting Homestead property was initiated in 1994.

Ms Clayton explained that the Clayton, Whittemore, Moore report concluded that the subject property has an historical association as the birthplace of Sir Frederick Banting and is a "good example of a typical Ontario farm." The octagonal implement shed "is a Banting family design" built in 1918 and is similar to one on the Nelson Banting farm in Essa Township. The barn was built in 1916 using a plan from Beatty Bros. of Fergus, who were well known for their barns. The farmhouse was built in 1858 and has undergone renovations and remodelling by the Bantings, notably about 1925.

The property contains cultural heritage landscape features such as a stand of Black Walnut trees to the northwest that were a gift from Sir William Mulock and planted in 1942. The hard maples along the road allowance were planted by Thompson Banting, and are the reason why he claimed ownership of the property at the death of his and Frederick's father, William Banting. There is evidence of an apple orchard and butternut trees to the north of the house. The American White Elm tree at the southwest edge of the property may have been part of a hedgerow and is "designated" by the Heritage Tree Alliance.

There are historic markers on the property commemorating the site as the birthplace of Frederick Banting as the discoverer of insulin.

Ms Clayton reviewed the genealogical findings of the report. John and Hester Meredith Banting arrived at Bond Head in 1841, and later moved to Thompsonville. William Thompson Banting was their second son. In 1879, he married Margaret (Grant) and in March 1891 they moved to the Meredith farm (the subject property). Their sixth child, Frederick, was born there on November 14, 1891.

It was explained by Ms Clayton that before Frederick Banting made his 1921 discovery of the use of insulin as a treatment for diabetes, the family farm supported him financially. He often returned to the farm from Toronto for visits with family and to enjoy the solitude during and after the research discovery.

Ms Clayton stated that when the Ontario Historical Society ("OHS") was informed of the pending bequest of the subject property to the OHS from Edward K. Banting, the OHS approached the Alliston Historical Society about managing the Banting Homestead as an "educational site and museum." The result was the 1995 formation of the Sir Frederick Banting Education Committee as "a committee of council." It is "for profit" but issues charitable receipts and is responsible for the annual Banting Days celebration in Alliston.

Ms Clayton stated that “the community is passionate about Banting” and that tourists frequently inquire at the museum about the whereabouts of the Homestead. In her opinion, Sir Frederick was “an international and Canadian phenomena.” She added that when the “Committee” asked the Town to designate the subject property, it was told that the property was being bequeathed and “that its preservation was not an issue.”

Cross-examination of the Witness

Mr. Godfrey referenced the December 16, 2006 letter to Ms Clayton from Dr. Peter L. Stork, Senior Curator, Emeritus, Royal Ontario Museum, Toronto, as contained in Exhibit 3, and asked Ms Clayton to confirm if the archaeological site mentioned is on the subject property. She confirmed that the “Hussey Site” is not on the property but is on the west abutting property, at the location of a glacial drumlin. Ms Clayton added that when ploughing the fields, Frederick and other Banting family members often found artifacts, confirming aboriginal occupation of the area.

Procedural Matter

Mr. Godfrey asked the Board to strike all evidence in regard to the archaeological site, as it is not within the boundary of the subject property.

The Board stated that Ms Clayton is not a licensed archaeologist but that her observations as a graduate Bachelor of Arts in Specialized Physical Anthropology (Archaeology) as stated in Exhibit 4, and her position as museum curator gave some weight to her observations as an amateur archaeologist.

The Board also stated that it was satisfied that any matters of archaeological resources or areas of archaeological potential being present on the subject property would be addressed by the Act and the Planning Act should there be any proposal for development or site alteration. Given this and the absence of an expert witness to verify the presence of archaeological resources on the subject property, no further evidence of this type would be heard by the Board.

Mr. Godfrey continued with cross-examination by inquiring about the “the apple orchard and a butternut grove.” Ms Clayton acknowledged that there is only one apple tree left and this is near the house. To her knowledge, no butternut trees survive on the property.

Mr. Godfrey queried if Ms Clayton was the author of the Clayton, Whittemore, Moore report. She responded that she was involved with the research and compilation of the report, but was not the principal author as it was a joint effort with Heritage New Tecumseth. She stated that the objective of the report was to argue the case for designation. It concentrates on architectural reasons, not the cultural heritage landscape aspects of the property. She confirmed that the report is titled “Draft.”

Witness – Mr. Larry Keogh

Mr. Larry Keogh was sworn.

Mr. Keogh was born on a farm in Tecumseth Township, served two terms as mayor, is a former teacher and principal at Banting Memorial High School, and a member of the Sir Frederick Banting Education Committee and the Sir Frederick Banting Legacy Foundation.

Mr. Feehely referred to Exhibit 2, Tab 4, and the federal Letters Patent for the Sir Frederick Banting Legacy Foundation dated November 15, 2005. Mr. Keogh explained that the Legacy Foundation was formed in anticipation of receiving ownership of the subject property once it was acquired by the Town.

Mr. Keogh stated that, in his opinion, the criteria of Regulation 9/06 apply to the Banting Homestead, especially in the category of historical or associative. It is his contention that "Banting Homestead" means "the farm" as the house, outbuildings, and the lands. "Farm and homestead are synonymous."

Mr. Keogh explained that the Town had been foremost in marking locations to commemorate the life and work of Sir Frederick Banting. This included the cairn erected in 1954 by the County of Simcoe on the grounds of Banting Memorial High School; a memorial within the school; plaque recognizing the anniversary of the actual discovery of insulin; a provincial marker on Highway 89, and markers on the subject property. Local high school students visit the Banting farm during the annual run to raise funds for diabetes research.

Witness – Ms Donna Jebb

Ms Donna Jebb was sworn.

Ms Jebb explained she was a member of Town council from 2001 to 2003, was two terms on the municipal heritage committee, and is now a volunteer with other organizations including the Women's Institute. She has a farm background and is a member of the New Tecumseth Farmer's Association.

It was Ms Jebb's opinion that the entire Banting Homestead should be designated. She outlined that she often takes new area residents and medical students on tours of the Jebb and Banting farms so they can witness firsthand "the Ontario farm experience."

Ms Jebb recalled that Frederick's father, William, was "not in the limelight" but was involved and interested in experimental farm methods and always encouraged others to improve their farming methods. He advanced good livestock breeding (the family had a purebred bull and shorthorn cattle) and had the first disease-free farm in the area. He made the farm profitable. His son Thompson bought the farm in 1915 and "grew potatoes," now the area's monoculture.

Ms Jebb noted that Frederick was inspired by his father's approach to experimentation in agriculture. William was able to generate enough revenue to support the farm and finance his son's medical research.

Cross examination of the witness.

Mr. Godfrey asked Ms Jebb to elaborate on her statement on "preserving a farm." She explained that a farm should be economically viable; otherwise "it is not worth keeping." If the children of a farmer need several outside jobs to support the farm, "they may as well sell it."

Witness – Ms Julie Harris

Ms Julie Harris gave oath.

Based on her curriculum vitae (Exhibit 6), Ms Harris was admitted as an expert witness in cultural heritage evaluation and conservation, and as a historian. She clarified that she is not an expert on legal aspects of the Ontario Heritage Act. She is a professional member of the Canadian Association of Heritage Professionals and explained there is no licensing or “accreditation” within the heritage profession that can be equated to, for example, the Ontario Association of Architects.

Ms Harris explained that her firm, Contentworks Inc., was contracted by the Town in April 2007 to prepare the report *Frederick Banting Homestead Heritage Study, July [corrected by Ms Harris to September] 2007* (Exhibit 5) (“Contentworks”).

For the biographical content of this report, Ms Harris stated she relied on the work of historian Dr. Michael Bliss as the “authority” on the life of Sir Frederick Banting. She researched the University of Toronto (online) Banting scrapbooks, the museum collection, and undertook additional original research. She stated that information about the farm could yet be supplemented by historical/building archaeology investigation. As a member of her staff had done a site inspection and provided photographs, Ms Harris’s first actual visit to the site was earlier that day. She explained this is a typical practice when compiling this type of report.

Ms Harris stated that she had studied farms extensively as a historian, citing examples, and has a Saskatchewan farming background. Her approach to the subject property was that a farm is “a design or landscape, and not just buildings.”

Ms Harris referenced several sections of the Contentworks report beginning with the description of the site and the statement that: “From 1919 until his premature death in an aircraft accident in 1941, he [Frederick] often visited the farm and recalled its importance on his maturation as a researcher. It also served as inspiration for his artistic and literary pursuits“ (Exhibit 5, page 1).

Ms Harris’s opinion, reiterated on page 2 in the report, was that the farm “could be designated a heritage property under Part IV [section 29] of the Ontario Heritage Act due to its close association with an individual of interest to the community and to an event of importance to the community (the celebration of Banting’s achievements as one of the discoverers of insulin), and because it is representative of a physical expression (the hierarchical mixed farm landscape) that was important and common in the community.”

In a study of this type, Ms Harris considers “condition” only as it reflects on the craftsmanship of the buildings. She did not look at the landscape condition. She concluded that the “landscape,” meaning cultural heritage landscape, reveals something about the history of the farm and of the Bantings.

Ms Harris stated that her mandate was to consider the subject property from the municipal perspective only. She concluded that all commemorations are associated with the “farm” and to reflect Frederick’s experience growing up, farm fields must be present. The farm also has merit in itself as “a representative farm from the 1920s.”

Cross-examination of the witness.

Mr. Godfrey asked if Ms Harris had considered a 5/95-acre breakdown of the Homestead. She replied that she looked at the site “as a historic place, so approached

the property as a whole.” She confirmed that she is the author of the report; and that archaeological potential is a different discipline but could be a further tool to support the cultural heritage value of the property. Other remnant and built evidence could also be examined through historical/building archaeology.

Ms Harris explained that “hierarchical” in the context of “hierarchical farm” means a composition of zones, with the drive and house as the public zone or space; the henhouse, piggery, and small function structures and yards as the family space; and the barn and cultivated fields as the working space.

In regard to the likely state of the fields during Frederick’s lifetime, Ms Harris referenced her report on page 4: “Contemporary accounts, including an article in *Ontario Farmer* in 1927, testify to William’s business and farming acumen, which allowed the family to live a comfortable farm life with high-quality livestock, a large and well-appointed home, an orchard, a large vegetable garden and opportunities for the children to enter post-secondary education or farming.”

Ms Harris theorized that it might be possible to restore the fields to a period in Sir Frederick’s lifetime. Aerial photographs reveal physical traces, such as the former location of the orchard. She agreed with Mr. Godfrey that “all farms have changed” but could not conclude that the Banting farm was not a homogenous potato farm in 1927, as it is today.

Mr. Godfrey referenced the statement on page 8 of the Contentworks report: “The Homestead remains as much a testimony to the importance of farming to Ontario’s economy from the mid 19th century, as to the childhood of Frederick Banting.” He stated that all farms could speak to the importance of farming.

Mr. Godfrey queried the description of the heritage attributes of the property, as listed on page 15 of the report. Ms Harris reiterated that the Banting farm is important to Alliston and an event the community celebrates. It is important that Frederick Banting returned to this farm frequently as an adult. Alliston celebrates Frederick as a “farm boy” and celebrates the Banting Homestead because it was a “typical” farm.

The Board asked Ms Harris to clarify the use of the term “farmstead” under the heading of Heritage Attributes on page 15. Ms Harris stated that this should have read “farm” not “farmstead.” She explained that her approach is as stated in note 2, page 1 of the report: “The report uses the term “farm” in two ways: as an activity and as a place. As a place it refers to all of the land owned by a farmer, including fields, plantings, forested areas, internal circulation systems and buildings.”

The Board asked Ms Harris to elaborate on section 3.12 Context and 6.1 Heritage Conservation of her report, and asked if, in her opinion, all of the acreage is needed to maintain the cultural heritage value of the property. She stated that a landscape architect could likely determine if the whole acreage were needed to experience this property as a cultural heritage landscape, meaning a farm with buildings and fields. She noted that the current size of the fields relates to mechanization of the farming operation and the need for a wide turning radius for the machinery. She was unsure what size field would be representative of the period of Frederick’s lifetime.

Witnesses – Dr. Peter Banting and Robert Banting

Dr. Peter Banting and Mr. Robert Banting were sworn and appeared as a witness panel.

Procedural Matter

Mr. Feehely deferred the questioning of Dr. and Mr. Banting to Ms Benedetti.

The Board reminded the witnesses that there was no question of the pre-eminence of Sir Frederick Banting as co-discoverer of insulin and a Canadian worthy of commemoration. As such, extensive evidence to support this claim would not be necessary.

Dr. Banting explained that he was born in Hamilton and is Professor Emeritus, Faculty of Business, McMaster University. His grandfather, Gowan Banting, was a cousin to Frederick.

Mr. Banting is the great grandnephew of Frederick and stated that he had spent considerable time at the Banting farm.

Dr. Banting stated that the Banting legacy is farm based, and cannot be seen if “lost in a sea of subdivisions.” He recalled that Frederick and other family members collected archaeological artifacts on the farm. He stated that New Tecumseth is a rural, agricultural township. He considers it important that the experimentation that took place on the farm, notably by Frederick’s father William, was a foundation for Frederick’s research and that the farm financially supported him before his discovery of insulin. “Frederick was not paid by the University of Toronto during this period; the farm supported him.”

Dr. Banting stated that Frederick is “part of the town’s cultural heritage” but his legacy reaches beyond Alliston. The farm is “linked to the cultural diabetic culture” and some call the property a “landmark.” Diabetic “pilgrims” from all over the world visit the farm and experience the “sense of place” and its association with Frederick Banting as the individual who gave the world life-saving insulin.

Dr. Banting provided the Board with an affidavit sworn on August 23, 2007, by Clarence Haynes, a diabetic since 1977: “As we were driving into the property, I had a feeling that I will never forget. I could just feel the hair on the back of my neck rising. I am here, alive, because of the person who was born here” (Exhibit 7A).

Exhibit 7B is an August 10, 2007 letter addressed to the Board from Michael Keith, President, Alliston & District Chamber of Commerce, stating his personal and the Chamber’s support in preserving the 100-Acre Banting Homestead for future generations.

Exhibit 7C is an email message sent February 27, 2007 from Melissa Vap Kubicka, Juniata, Nebraska, USA, accompanied by a photograph of her 3-year old diabetic daughter. Ms Vap Kubicka wrote a “request that the Banting homestead be preserved, and possibly converted to a diabetes camp for children.”

Exhibit 7D is an April 5, 2007 letter to the Board from Claire McMordie, in support of “the conservation as a historic site of the farm.”

Dr. Banting stated that this is not “just a bunch of buildings. . . . there are lots of vistas and a sense of place as the home of a great Canadian.” In his opinion, “the world has already designated the farm.”

Dr. and Mr. Banting then explained jointly that Frederick’s familiarity with animal husbandry and farm life helped him with his medical research. For example, it was a practice at the farm before sending cattle to market to investigate the cause of death. This inspired Frederick to experiment with beef cattle pancreas as a source on insulin. This resulted in his breakthrough discovery and the ensuing use of beef pancreas for the production of insulin. It was stated by Mr. Banting that the family supported Frederick because they agreed with his vision. The farm fields supported him during his research.

A childhood playmate to Frederick was the daughter of a neighbour on Lot 3, Concession 3. She died from diabetes and Frederick was witness to her decline from the illness. Her death may have been his inspiration for giving the formula for insulin gratuitously to the University of Toronto in trust for the benefit of humanity.

The evidence of Dr. and Mr. Banting concluded that the farm provided Frederick with a place of solace during the difficult period of his research and financial concerns and allowed him time to contemplate his work. The farm shaped his character by instilling him with the values of hard work and generosity as a religious farm family.

Procedural Matter

The Board asked Mr. Godfrey whether he could move his witness, Dr. Michael Bliss, to appear one day earlier as the Town case was completed in one day and there was a possibility that a third hearing day may not be necessary. Mr. Godfrey undertook to contact his witness with this request.

This concluded the case for the Town.

The hearing resumed at 10:05 a.m., September 11, 2007.

Case for the Foundation

Procedural Matter

Mr. Godfrey indicated that Dr. Michael Bliss was unable to attend as a witness on this day and with the support of the Board submitted the June 26, 2007 letter written by Dr. Bliss as evidence in lieu of his appearance. (Exhibit 8, Tab 10). The Board acknowledged the letter as evidence.

An Outline of the Position of the Ontario Historical Society Foundation was submitted by Mr. Godfrey as Exhibit 8.

Mr. Godfrey reiterated that the Foundation had agreed that the “5-acre“ parcel of buildings and associated lands had cultural heritage value and encouraged their designation under section 29 of the Act. At issue are the remaining 95 acres of cultivated farm fields. He stated that the “factual, accurate, reasonable, and pragmatic position of the OHSF promotes the preservation of Ontario’s heritage and the upholding of the Act.”

Witness – Mr. Christopher Oslund

Mr. Christopher Oslund was sworn as a witness.

Mr. Oslund stated that he is president of the Ontario Historical Society (“OHS”) and Chair of the Ontario Historical Society Foundation (“Foundation”), and a Board member of both organizations. Mr. Oslund became a member in 1996 and does not receive remuneration.

Mr. Oslund explained that the OHS was founded in 1888 by provincial statute and there are now over 800 affiliated societies incorporated under the OHS. The Society last received a \$240,000 annual grant from the Ministry of Culture, which represented about half of the operating budget of the OHS.

It was explained by Mr. Oslund that the mandate of the OHS is the “preservation and promotion of the history of Ontario.” It provides advice and advocacy to other societies on Ontario history issues. They have a publications program and had an active museum committee until the formation of the Ontario Museum Association took over that mandate.

Mr. Oslund explained that the Foundation was established in 1999 and incorporated to hold ownership of property. This initiative was prompted by knowledge of the pending bequest of Edward K. Banting of the subject property and that the OHS itself was not mandated to own real property. Dr. Brian Wells was the first Chair of the Foundation. Mr. Oslund has been Chair of the Foundation since the Fall 2002. The Board of the OHS forms the membership of the Foundation. There are currently 4 members.

Edward K. Banting died in 1998 and the Banting Homestead property was transferred to the Foundation by means of his Last Will and Testament. The Foundation retained restoration architect Phillip Goldsmith, heritage advisor Claudette Shaw, and archaeology advisor Colin Agnew to assess the property. Ms Shaw was the lead for a series of “roundtable” discussions at which organizations and individuals were asked their opinions on the future of the Homestead (Exhibit 8, Tab 4).

Mr. Oslund expressed that “this is an awkward position for a provincial heritage society to be opposing a heritage designation.” He explained that the Foundation attempted to obtain ownership of the “drumlin property” to preserve the identified archaeological site. They also tried to implement the recommendations of Ms Shaw regarding the Homestead property.

Mr. Oslund stated, “from the outset, the OHS understood that the property has cultural heritage value to Alliston and a broader community. The question was always what is the essence of that property that has cultural heritage value? What part of the property symbolizes Banting? The OHS and the Foundation concluded, “it is the farmstead/buildings” that hold that value.” They “struggled to find any direct association to the cultivated fields.”

Mr. Oslund indicated that this decision was also “pragmatic” as the sale of some lands “gave the opportunity to fund the preservation of the farmstead.”

Cross-examination of the Witness

Mr. Feehely referenced Exhibit 2, Tab 1, as a copy of the Last Will and Testament of Edward Knight Banting, specifically page 5, 3(g): “To give and transfer the East Half of Lot 2, in the second Concession of the Township of Essa, in the County of Simcoe, containing 100 acres more or less to the Ontario Historical Society in accordance with the agreement that I have already signed with them concerning this property and its future use and maintenance.” Mr. Oslund stated that OHS could not locate a copy of any signed agreement with Mr. Banting, and it “would have been easier to have a signed agreement.”

In response to Mr. Feehely, Mr. Oslund concurred that Ms Shaw’s work was not a cultural heritage assessment-type report.

Witness – Dr. Brian Osborne

Dr. Brian Osborne was sworn as a witness.

Based on his curriculum vitae (Exhibit 9), Dr. Osborne was admitted as an expert witness in the field of cultural and historical geography. Dr. Osborne stated that he became a member of the OHS in the early 1970s, had been a member of the Board since 2002, and is a past president. He is Professor Emeritus at Queen’s University, and an adjunct professor (or equivalent) at other Canadian and international universities.

Procedural Matter

The Board noted Mr. Feehely’s apprehension of bias given Dr. Osborne’s long-standing association with the OHS.

Dr. Osborne explained that cultural and historical geography involves cultural heritage landscape analysis or “how people perceive landscape.” Landscape communicates identity or the sense of place and the cultural dimensions of distinctive places. He had been teaching these concepts since 1963.

Dr. Osborne gave a visual presentation of the chronology of the Banting Homestead in the context of the evolution of farming practices in 19th century Essa Township. He illustrated the typical divisions of farm fields for wheat, then dairy, and mixed farming production purposes.

A recent aerial photograph of the Banting property revealed the 95-acres as a homogenous field surrounding the 5-acre farm buildings site. In Dr. Osborne’s opinion, this does not represent the farm of Frederick Banting’s youth. It is the 5-acre parcel only that holds historical or associative value as defined by Regulation 9/06, in that it has a “direct association with a theme, event, belief, persons, activity, organization or institution that is significant to a community, that is, Sir Frederick Banting.” Apart from the line of trees along the road allowance, he does not consider the balance of the property to meet the criteria of the Regulation. He does find importance in the memorial plaques on the property.

Dr. Osborne concluded that the Banting farm today is typical of a modern potato farm as an agriculture industry with a “farm factory field.” This is not what Frederick would have experienced “with his eyes.” His production fields would have been diversified with an

outer and inner hierarchy. There are now no diverse smells, sounds, sights, and tactile experiences typical of William and Frederick's day.

The work of Kenneth Kelly that documents the evolution of agriculture in Simcoe County was cited by Dr. Osborne as proof that the 1919 elevated barn represented the dairy stage of the farm; and that potato production in Alliston started in the late 1940s, after Frederick's death in 1941.

Dr. Osborne stated he would have "made more of the site as a monument." It has become an integral part of Banting iconology in Alliston. He considered the 5-acre homestead to be the statement of Banting's cultural heritage value.

Cross-examination of the witness

Ms Benedetti queried and Dr. Osborne confirmed that he was OHS president during the period of discussions between Edward Banting and the OHS regarding the disposition of the subject property.

Dr. Osborne concurred with Ms Benedetti that this "has always been a farm" but clarified that this was "once a certain type of farm but that it is not that space now . . . it is now surrounded by a mechanized field space . . . the fields are not even part of the homestead of buildings." He considered the property as it is now to be a heritage site, monument, or designated space that represents Frederick Banting.

In reference to the evidence of Ms Harris, Dr. Osborne stated that he contemplated the potential to "reconstruct the Banting farm fields as Frederick knew them." He would agree that the entire 100 acres could be protected if returned to the form of farm it was in Frederick's day.

Dr. Osborne recognized the subject farm as representative "of the evolution of a farm in this area" in the sense of any "generic" farm evolution in an area that went to potatoes as a monoculture. This evolution was not specific nor needs to be demonstrated by a "Banting associated farm." Banting himself would have experienced a different farm over his later visits; that is, a dairy farm that may have been evolving into a potato farm. Neither William nor Frederick's "sense of place" as a "focused intense material sense" can be read at this farm today as their practice of farming and the fields can no longer be read.

Procedural Matter - Evidence of Dr. Michael Bliss

As Dr. Michael Bliss was unable to attend on this day, his letter of June 26, 2007 was entered as evidence (Exhibit 8, Tab 10). In this letter, Dr. Bliss identified himself as Professor Emeritus, University of Toronto, and the author of a biography of Sir Frederick Banting and a history of the discovery of insulin.

Dr. Bliss gave reasons for not supporting the designation of the property. He referenced the existence of Banting House in London, Ontario, as a "very fine memorial museum to Sir Frederick." He queried the authenticity of the existing dwelling at the Banting Homestead given that it had been "rebuilt." He stated: "The farm as a whole is like many other Ontario farms that have been preserved, and I see no case in agricultural or local history for preserving it as a farm." Dr. Bliss advocated for "plaques and/or monuments at the site of his [Frederick Banting's] birth" as well as other activities "to keep his

memory alive.” A “preserved homestead” would be “extremely difficult for any one to find a use for or maintain, and would become an expensive white elephant.”

This concluded the case for the Foundation.

Members of the Public

Witness – Mr. William Smith

Mr. William Smith was sworn as a witness.

Mr. Smith stated that he was a retired federal civil servant (Defence Construction Canada) and has lived in the area for 20 years. He considered himself an amateur local historian. He provided the Board with a written copy of his statement “Designation of Lands/Buildings of the Banting Homestead” and explained that he represented a “small group in Essa Township with the objective “to help and assist in the preservation of the Banting Homestead.” Mr. Smith outlined the “homelife of young Fred Banting” and that Frederick “is remembered by all of us as a local farm boy who discovered insulin with Charles Best in 1921, achieving world fame, honour and distinction, not only for himself but for his community and country.” Mr. Smith met Dr. Charles and Margaret Best in 1971. When asked how he and Frederick celebrated the discovery of insulin, Charles explained “we came up to the farm, had a gathering of family and friends, stayed over, enjoyed the peace of the place in the morning and returned to Toronto later that day.”

Witness – Ms Jane Beecroft

Ms Jane Beecroft was sworn as a witness.

Ms Beecroft stated that she was president of the Community History Project and several other Toronto organizations. She attended this hearing because “Frederick Banting lived and worked in the History Project area of study.” She referenced a statement of Dr. Michael Bliss about the house in Toronto formerly affiliated with Banting. She had knowledge that the house was no longer standing, and, in fact, in Toronto there was nothing left to commemorate Banting. Ms Beecroft stated that Frederick’s birthdate, November 14, recently was chosen by the United Nations as World Diabetes Day. Banting is recognized in Newfoundland, where he was killed in an airplane crash; but in Toronto there is nothing. Ms Beecroft “sees the public interest as the basic issue in this case.” She provided the Board with a written outline of her statement and information about the Community History Project.

Witness – Dr. David Fayle

Dr. David Fayle was sworn as a witness.

Dr. Fayle identified himself as a retired professor of silviculture. He explained that the shelterbelt plantings at the northwest corner of the Banting property are Scotch Pine and Black Walnut and that this is not a common mix. This shelterbelt was established in 1942, after Frederick’s death. The Pine protected the Walnut during early growth, then the Walnut dominated the site and emitted a toxin that killed the Pine. The Pine

effectively protected the Walnut, which is a slow growth tree, so it could survive to maturity.

Witness – Ms Marilyn Holmstrom

Ms Marilyn Holmstrom was sworn as a witness.

Ms Holmstrom explained that she was born in Alliston and knew Edward Knight Banting and his spouse. She recalled that Edward told her that the farm “would be a museum; a memorial to his Uncle Fred.” Edward showed Ms Holmstrom the farm equipment he had hanging up in the barn “to use in the future museum.” Ms Holmstrom noted that William (Frederick’s father) was the first farmer in the area with an automated potato picker; and also that Frederick played on Scout’s Island with his friends.” She had personal knowledge that Edward “saw the whole farm as the package.” “The farm is what Frederick Banting became; his roots are in this community.”

Witness – Mr. Robert Young

Mr. Robert Young was sworn as a witness.

Mr. Young stated he was a resident of Tottenham and Alliston. He considered the whole farm necessary to a “historical diabetic centre of international appeal.” He stated that it should be designated as a national historic site. “Money is not the object; it can be raised.”

Summation of the Case for the Foundation

Mr. Godfrey began by stating that Frederick Banting was a great Canadian, and a great citizen of Alliston, and of the world. His life and work is to be celebrated.

The position of the Foundation is that the 5-acre homestead lands are enough; the 95-acres of farm fields are not required to celebrate and remember Banting. The 95 acres also do not meet the criteria for designation under Regulation 9/06.

The Ontario Historical Society looked at the issue of what to do with the lands and concluded that only part of the land held cultural heritage value. This is a non-profit organization with a mandate to preserve Ontario’s heritage.

The farmland is typical of today, and not of Frederick Banting’s day. His 1920s sense of place and farm experience was very different than today. It is necessary to look at diminishing degrees of associative value. When does it no longer have association with Banting? Should the church, school; even the town of Alliston have associative value to Banting? Where does it end?

None of the pilgrimages, diabetes run, or visits need to change “if only the farm buildings are kept and the lands lost.” This is not about the preservation of farmland.

In reference to the evidence of Ms Harris, Mr. Godfrey stated that the Contentworks report did not separate the cultural heritage value of the farm buildings from the fields.

The question is how much land is enough to present Banting's legacy? For a visitor to get Frederick Banting's experience of a farm, that visitor would have to go elsewhere, as this farm is now a monoculture.

Summation of the Case for the Town

Mr. Feehely began by stating that the property before the Board is all the property bequeathed to the Foundation from Edward Banting, meaning the approx. 100 acres. The Board should not analyse this as separate parts of the property; this is one farm.

Evidence was given that Frederick Banting "was born there, worked and played on the land, explored and learned from that land." The Bantings never separated the land from the buildings and Edward Banting never made that distinction. Mr. Feehely agreed that the landscape had changed as a natural evolution but that there is still the potential for artifacts such as the Black Walnut grove, Elm tree, etc.

This is the homestead that paid for Frederick's university education. This is a package.

Mr. Feehely appreciated that the OHS is in a conflicted position.

Mr. Feehely maintained that the landscape, with proper preservation and plan, could be returned to Banting's era. Surrounding the 5 acres with new development would not be the same. The buildings and land are locked together and this holds the impact and the importance.

Within the context of the evaluation criteria of Regulation 9/06, under historical/associative there is a direct association with the theme and person of Banting, the discovery of insulin, Banting as an icon of the Alliston community, and the diabetic community. Under contextual, this property maintains and supports the character of the area, is representative of a farm community, and is a landmark to Alliston and worldwide. The Board was directed to give consideration to the heritage analysis in section 5 of the Contentworks report (Exhibit 5).

For clarification purposes, the Board asked Mr. Feehely why the Town had changed its position from the protection of 70 acres with the sale of 30 acres, to the protection of 100 acres (Exhibit 2, Tabs 6-7). He stated that the earlier position was negotiated and no longer applied and that the Town's original position was to protect the 100 acres.

The hearing ended.

Findings of the Board

Identification of Issues

1. Agreed Statement of Fact

At the onset of these proceedings there was an agreed statement of fact that Nobel Laureate Sir Frederick Banting was of local, provincial, national, and international stature for his 1921 co-discovery of insulin as a treatment for diabetes. There was no dispute

that the subject property is Frederick Banting's 1891 birthplace and childhood home, and, as such, the approx. 4.7 acres that contain the dwelling, outbuildings, yard, and associated cultural heritage landscape features, but not the cultivated fields, should be designated under section 29 of the Ontario Heritage Act.

2. Scope of the Evidence

Given the agreed statement of fact between the parties, the thrust of the evidence presented was to determine if the approx. 95 acres containing the cultivated farm fields, Black Walnut shelterbelt, American White Elm tree, other plantings, infrastructure, archaeological resources, and other remnants of past farm cultivation by the Banting family warrant designation under section 29 of the Act.

3. Archaeological Resources

Ms Rachele Clayton gave evidence on the existence of an archaeological site(s) on lands abutting the west boundary of the subject property. That abutting property is dominated by an elongated hill or glacial drumlin and was owned and sold by Edward K. Banting in his lifetime. It is not now part of the subject property.

Evidence was given that the Bantings routinely found aboriginal artifacts on the subject property, suggesting these lands are an area of archaeological potential.

As no expert archaeological evidence was given, the Board cannot conclude that archaeological resources or areas of archaeological potential exist on the subject property as heritage attributes. The Board is satisfied that the provisions of the Ontario Heritage Act and the Planning Act are sufficient to ensure the identification and mitigation of any archaeological resources or areas of archaeological potential on the property, if and when there is a proposal for site alteration or development.

4. Cultivated Farm Fields

Heritage consultant Ms Julie Harris and historical geographer Dr. Brian Osborne each addressed the issue of whether or not the approx. 95 acres of cultivated fields, as they existed in 2007, are intrinsic to the commemoration of Frederick Banting; or have they been so altered to now be remote from his sense of place at the farm during his lifetime. Both witnesses acknowledged that the farm in 2007 is not the same farm experienced by Frederick before his death in February 1941.

Ms Harris views a farm as a hierarchical arrangement of spaces or zones. In her opinion, to be considered a whole farm, all of the spaces or zones must be represented. She acknowledged that the Banting farm had evolved from dairy and mixed farming to a monoculture (potatoes) and fully mechanized farming methods. This involved changes such as the removal of the fencing that defined the smaller fields known to Frederick. Neither Ms Harris nor Dr. Osborne could conclude whether the start of this conversion was before Frederick's death in 1941.

Ms Harris suggested that aerial photographs and historical archaeology could document the past subdivisions, plantings, and other cultural heritage landscape features of the farm. She suggested that a landscape architect would be able to determine if all or a portion of the cultivated fields could capture Frederick Banting's sense of place at the farm. In her opinion, this accumulated information could be used to restore the farm to a period of significance to Frederick.

Dr. Osborne established that Frederick Banting's sense of place at the farm would have been one of diverse smells, sounds, sights, and tactile experiences far different than the "farm factory" that exists today. In his opinion, the fields could hold cultural heritage value only if restored to their state during Frederick's youth.

Sufficient evidence was given to substantiate that Frederick's father, William Banting, was innovative in his approach to farm practice methods and that he used experimentation to instigate change. This made the farm successful enough to afford a post secondary education for Frederick and financially subsidize his medical research.

The Board is of the opinion that successful and economically viable farming involves innovation and change, whether it is season-to-season crop rotation in response to field conditions and market demands, or adopting advancements such as hybrid seed, pesticides, and automation. Evidence was given that William's interest in experimentation fostered the same in his son. It seems to the Board that although Frederick would not have experienced the state of the cultivated fields as they were by 2007, he would have accepted the changes in farming production and practices that evolved the farm to its current state.

In the Board's opinion, the same comparison between the current state of the cultivated fields and what Frederick's sense of place would have been in his lifetime can be applied to the buildings and associated cultural heritage landscape features. The agreed statement of fact precluded the need for the presentation of definitive evidence on how each of these may have evolved since Frederick's death in 1941. It is evident, however, that although the changes may be subtler, the current state of the buildings and associated features also may not be as experienced by Frederick.

It seems to the Board that, overall, this is more a question of whether the potential for recreating Frederick's sense of place will be acted upon, and not that it is irretrievable.

5. Typical Ontario Farm

Both Ms Harris and Dr. Osborne discussed what constituted a "typical," early 20th century farm in Ontario and whether the Banting farm is representative of that period. The evidence in this regard was presented in a way that was secondary to the association of the farm to the achievement of Frederick Banting. The argument that this property, as a typical Ontario farm, holds cultural heritage value apart from its Banting association was not well developed.

The Board is of the opinion that the association of the farm with Frederick Banting should form the primary reason for any protection under the Act. The identification of the subject property as typical of an early 20th century Ontario farm may be more relevant to an educational interpretative theme than a reason for protection under the Act.

6. Other Cultural Heritage Landscape Features

Evidence was given that other cultural heritage landscape features exist on the subject property. In the opinion of the Board, these features support the commemoration of the farm as an integral part of Frederick Banting's life. These include, but are not limited to:

Row of Hard Maple Trees

The row of hard Maple trees along the road allowance attributed to Frederick's brother, Thompson.

Maple Tree(s)

The Maple tree(s) said to be on the property that was annually harvested by the Bantings for syrup.

Black Walnut Grove or Shelterbelt

The Black Walnut tree grove or shelterbelt at the northwest that utilizes an unusual symbiotic relationship between Scotch Pine as fast growing windshield plantings, and the slow growing Black Walnut. This shelterbelt is attributed to Sir William Mulock, who was chancellor of the University of Toronto at the time of Frederick's discovery in 1921 and among those who established the Banting Research Foundation in 1925. This grove is believed to have been planted in 1942, possibly as a marker of Frederick's death in 1941.

American White Elm Tree

The American White Elm tree of unknown date at the southwest. This is recognized by the Heritage Tree Alliance as a significant specimen tree that withstood the blight of Elm disease.

Apple Orchard and Butternut Trees

The remnant evidence of an apple orchard and butternut trees at or near the house.

View of Glacial Drumlin

The view of the elongated hill or glacial drumlin on the abutting property that forms the western backdrop of the subject property.

View of Cultivated Fields

The view from the former Banting dwelling and yard toward the cultivated fields on the south, west, and north.

Infrastructure

Infrastructure such as driveways, wood rail fencing, and other features and artifacts that document the workings of this property as a family operated farm.

Commemorative Markers

Two markers commemorating the Banting Homestead and Banting's discovery of insulin installed at the road allowance, north of the driveway.

7. Circumstance of the OHS/OHSF

The Board recognizes that the Ontario Historical Society, and therefore the Ontario Historical Society Foundation, is in the "awkward position" as the leading volunteer provincial historical organization since 1888 being seen in opposition to the preservation of the birthplace of a great Ontarian, Canadian, and celebrated world figure.

The Board acknowledges that the Foundation was formed in response to the need for an entity to receive ownership of this property, and that since 1888 ownership of real property has not been within the mandate of the OHS. In the Board's opinion, the organization has demonstrated a reasonable commitment to this property, especially given that this is its first endeavour in property management.

Based on these proceedings, it is evident to the Board that the OHS and OHSF hold a genuine regard for the future disposition of the subject property as a place of

commemoration and have struggled with defining the essence that would preserve Banting's legacy. Serious evaluation was undertaken before determining that the dwelling, outbuildings, and associated cultural heritage landscape only, without the cultivated fields, constituted that essence.

It also appeared to the Board that the motivation for proposing the sale of the approx. 95 acres was likely fuelled by the ongoing financial strain of the stewardship of this property. Perhaps the situation would be different had the bequest to the OHS by Edward K. Banting made provision for the maintenance of the property in perpetuity.

8. Future Disposition of the Banting Homestead

Designation under section 29 of the Act does not guarantee the continuing existence or preservation of all elements of this farm property. Natural degradation will take its toll over time and maintenance of unoccupied lands can be costly.

Designation is not intended to prohibit any future site alteration or development on the property. Provisions of the Act enable change within the context of a review and consent process. The Board recognizes that not all designated properties are best as static museums or historic sites. Often, their ongoing stability, viability, and historic integrity are the result of innovative alteration, development, and use.

The Board is aware that the alteration, demolition, or removal of non-residential farm buildings are not typically within the permit application and approval process. Although this makes their disposition difficult to monitor, all parties should be reminded that for designated properties, the Act requires consent of council for these activities, whether or not a permit is required.

It was evident to the Board during the site visit that the historic integrity of the viewscape from the dwelling and yard looking south/southwest has been compromised by the residential subdivision along the south boundary. The Board is of the opinion that should there be any proposed development on the Banting property, it would be appropriate to direct this to the area abutting the existing residential development at the south and that a buffer area be landscaped to mitigate any negative impact on the heritage attribute of the viewscape from the Banting dwelling and yard.

It is also the opinion and suggestion of the Board that the preservation of the homestead of a Canadian of this stature warrants local, provincial, and federal cooperation regarding stewardship.

Board Recommendations

Based on the evidence heard, the Board is convinced that had Frederick Banting not been a "farm boy" and son of a farmer who embraced experimentation, he might not have been successful in his approach to diabetes research. His involvement with all aspects of farm animal management is considered by many to be the foundation and stimulus to his discovery of insulin. The financial and emotional support of the Bantings as a farm family, within a farming community, as well as the solitude afforded Frederick at the farm, are recognized as contributing factors in his perseverance and success in the discovery of insulin in 1921.

It is the opinion of the Board that cultural heritage value or interest exists in Frederick Banting being born and raised on *this* Ontario farm property, and that it was *this* farm that instilled those qualities and knowledge and provided the support that led to his discovery of insulin.

Cultural heritage value or interest also exists in the way in which the community of Alliston, now part of the Town of New Tecumseth, has embraced and commemorates Frederick Banting and the Banting Homestead as an expression of the identity and historic achievement of the community.

The Board did not find sufficient evidence to support the protection of this property as a standalone representative or example of a typical early 20th century Ontario farm.

Recommendation 1

The Board recommends to the Council of the Town of New Tecumseth that there is sufficient cultural heritage value or interest in the property known municipally as 5116 Sir Frederick Banting Road (Banting Homestead) in the Town of New Tecumseth to proceed with designation of the entire acreage of this property under section 29, OHA, R.S.O. 1990, c.O.18, as amended in 2006.

Recommendation 2

The Board recommends that the statement of cultural heritage value or interest be limited to the importance of the property in its association with Frederick Banting as an individual, a Banting family member, and co-discoverer of insulin; and its significance as an expression of the identity and historic achievement of the community of Alliston and the Town of New Tecumseth.

Recommendation 3

The Board recommends that the following revisions be made to the statement of cultural heritage value or interest and description of heritage attributes in the proposed designation bylaw.

1. All references to “Part IV” should be replaced with “Section 29,” as this is the correct citation in the Act since amended in April 2005.

2. The section “Reasons for Designation Description” be revised to read:

The 100-acre property located at 5116 Sir Frederick Banting Road (East Half, Lot 2, Concession 2, Essa Township) in the Town of New Tecumseth, Ontario, meets the requirements of provincial Regulation 9/06 and is worthy of designation under section 29 of the Ontario Heritage Act.

The property is comprised of approx. 100 acres of farm use lands that contain such features as an early 20th century evolved dwelling, dairy barn, piggery, silo, henhouse, octagonal implement shed, cow shed, garage, rail fencing, yard, and related cultural heritage landscape features; as well as significant plantings, cultivated fields, and two commemorative markers.

3. The following should be deleted from the “Statement of Cultural Heritage Value or Interest”:

The farm is also of cultural heritage interest because it contains a cohesive and aesthetically pleasing farmstead dominated by a large brick house and gambrel-roofed barn that is representative of vernacular hierarchical farmsteads that were common throughout southern Ontario and along the St. Lawrence River Valley from the 1890s to the 1920s.

4. The section “Heritage Attributes” should be revised to read:

The heritage attributes of the Banting farm are related to the property's cultural heritage value as the birthplace, childhood home, and family farm of Frederick Banting; as well as the commemoration of Frederick Banting and the Banting Homestead as an expression of the identity and historic achievement of the community. These heritage attributes include such features as:

- The overall appearance of the property as a farm, with a driveway entrance, and a dwelling, outbuildings, and associated cultural heritage landscape features surrounded by farm fields to the south, west, and north;
- The location and arrangement of a driveway leading to the former Banting family dwelling occupying a position of prominence at the front of the yard, a large dairy barn set at the back of the yard, with outbuildings, including a piggery, silo, henhouse, implement shed, cow shed, garage, rail fencing, yard, and related cultural heritage landscape features;
- The scale, materials, massing, style, and design of the dwelling which was modernized and remodelled using some materials from an earlier form of the dwelling;
- The proportions, scale, form, design, original materials, openings, brick walls, workings, and structure of the dairy barn;
- The proportions, scale, form, design, original materials, openings, workings, and structure of the octagonal implement shed;
- The proportions, scale, form, design, original materials, openings, workings, and structure of the farm related outbuildings such as the piggery, silo, henhouse, cow shed, garage, and others;
- All remnants of wood rail and other farm type fencing;
- The view to the dwelling, barn, outbuildings, and associated cultural heritage landscape features from the road allowance;
- The view of the farm fields to and from the dwelling and yard, but noting that the view of the field to the south is compromised by the existence of a residential subdivision and is of less significance as a heritage attribute than the views to the west and north
- View of the glacial drumlin from the dwelling and yard;
- The commemorative markers at the road allowance;

- The American White Elm tree at the southwest identified by the Heritage Tree Alliance; and the view of the Elm tree from the dwelling and yard;
- The Black Walnut tree shelterbelt at the northwest attributed to Sir William Mulock in 1942; and the view of the shelterbelt from the dwelling and yard;
- The existence of the row of hard Maple trees along the road allowance attributed to Frederick's brother, Thompson;
- The existence, if confirmed, of the Maple tree(s) said to be annually harvested for syrup;
- Any remnant evidence of an apple orchard and/or butternut trees at or near the dwelling and yard; and,
- Other infrastructure, remnants, buildings, or cultural heritage landscape features associated with Frederick Banting, including evidence of farm activities and family life during his lifetime.

The Board appreciated the efforts of all participants in these proceedings.

Original signed by

Peter A.P. Zakarow, Chair
October 25, 2007

Original signed by

Su Murdoch, Vice-Chair
October 25, 2007

EXHIBITS LIST

Exhibit 1: Affidavit of Notice of Hearing, tabled by the Board.

Exhibit 2: *Document Book of the Corporation of the Town of New Tecumseth*, tabled by the Town.

Exhibit 3: *Draft Study of the Banting Homestead/Birthplace, 5166 Sir Frederick Banting Road, New Tecumseth, Formerly Lot 2, Con 2, Essa Township, prepared by Rachelle Clayton, Lory Whittemore and Carolyn Moore, January 8, 2007*, tabled by the Town.

Exhibit 4: A statement of training and heritage community related activities of Rachelle Clayton, tabled by the Town.

Exhibit 5: *Frederick Banting Homestead Heritage Study, July 2007*, tabled by the Town.

Exhibit 6: Profile of Julie Harris, M. Mus. St., Principal, Contentworks Inc., Heritage Consultant, tabled by the Town.

Exhibit 7(a): Affidavit sworn on August 23, 2007, by Clarence Haynes, tabled by the Town

Exhibit 7(b): August 10, 2007 letter addressed to the Board from Michael Keith, President, Alliston & District Chamber of Commerce, tabled by the Town.

Exhibit 7(c): Email message, February 27, 2007, from Melissa Vap Kubicka, Juniata, Nebraska, USA, tabled by the Town.

Exhibit 7(d): April 5, 2007 letter to the Board from Claire McMordie, tabled by the Town.

Exhibit 8: *An Outline of the Position of the Ontario Historical Society Foundation*, tabled by the Foundation.

Exhibit 9: Curriculum Vitae of Brian Stuart Osborne, 14 July 2007, tabled by the Foundation.

Written Submissions

“Designation of Lands/Buildings of the Banting Homestead,” provided by William Smith.

Statement and information about the Community History Project, provided by Jane Beecroft.