

**Ministry of Tourism,  
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**Conservation Review Board**

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**Commission des**

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**RE: TOWN OF AYLMER - INTENTION TO DESIGNATE  
11 PINE STREET EAST, AYLMER, ONTARIO**

Barbara Humphreys, Member  
Conservation Review Board

October 12, 1994

The hearing was convened at the Town of Aylmer Council Chambers, 46 Talbot Street West, Aylmer, Ontario on October 12, 1994, pursuant to section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Ch. 0.18, for the purpose of reporting to the Council of the Town of Aylmer whether, in the opinion of the Conservation Review Board, on the basis of the evidence heard, the property known municipally as 11 Pine Street East, Aylmer, should be designated by by-law under the Act. One objection had been received by the Amtelecom Group Inc., 18 Sydenham Street East, Aylmer.

Notice of the hearing was given under the Act in the *Aylmer Express* newspaper on September 14, 21 and 28, 1994, by the Board, the relevant affidavit by a member of the Board's staff being Exhibit #1.

This Board, in accordance with its custom, had the opportunity to view the exterior of the property and the surrounding area prior to the hearing.

Present: Phyllis Ketchabaw, Town Clerk, Aylmer  
Charles Knapp, C.A.O. Aylmer  
Dan Douglas, Member of Aylmer LACAC  
Peter McLay, Member of Aylmer LACAC  
Victor Panter, Treasurer, Amtelecom Group, Inc., Aylmer  
Rob Parry, Reporter of the Aylmer Express

The Case for the Town of Aylmer

Presenter: Mr. Charles Knapp, C.A.O., Aylmer

Mr. Knapp tabled the Deed of Land, confirming Mrs. M. Foy's ownership of the subject property (Exhibit 2) and an affidavit confirming the publication of the notice of Intention to

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Designate and subsequent communications received from Amtelecom Group Inc. and the LACAC (Exhibit 3). Mr. Knapp then detailed the sequence of events concerning the proposed designation, explaining that it was just a year ago to the day that Mrs. Foy had requested that her property be designated. A report was then prepared by the LACAC and designation recommended to Council of the site, comprised of a double lot, and exterior and interior details of the house as listed; Notice of Intention to Designate was then published for four weeks in the local paper commencing March 23, and a letter of objection received in early April, all as recorded in the affidavit submitted by the Clerk of the Town (Exhibit 3). Mr. Knapp also stated that he had received a written request from Mrs. Foy, who was unable to attend the meeting, that he speak on her behalf and finally he tabled a letter in support of the proposed designation which had been received from Thomas and Cheryl Hill, neighbours of Mrs. Foy (Exhibit 4).

Mr. Dan Douglas representing the Aylmer LACAC

Speaking on behalf of Mrs. Foy, as well as the LACAC, Mr. Douglas stated that the reason that designation had been requested was primarily for the protection of the property as a whole, not just for the building itself, and it was the expressed desire of the owner to have the designation include the double lot. The LACAC concurred with this request, feeling that any change in the site would seriously affect the streetscape which is a part of the historic area of the Town. Furthermore, the LACAC could not see that designation of this property would necessarily alter or affect the ability of the Amtelecom Group to make changes to their own adjacent properties. Therefore, LACAC confirms its recommendation for the designation of this property as originally stated.

Mr. Peter McLay, member of Aylmer LACAC and nearby neighbour of Mrs. Foy

Mr. McLay expressed strong support of the recommendation for designation of the entire property, as essential to the preservation of this historic residential area. He has been contacted by others in the neighbourhood, whose residency ranged from 1 to 16 years, all equally anxious that no action be taken that might jeopardize the very attractive ambience of this community.

Case for the Objector

Presenter: Mr. Victor Panter, Treasurer, Amtelecom Group, Inc., Aylmer

Mr. Panter re-iterated the statement in the letter of objection from the Amtelecom Group (see Exhibit 3) to the effect that there was no objection to the designation of the house per se, which fronts on Pine Street. However, he did foresee problems should they wish to expand their activities located on that part of their property which abuts that of Mrs. Foy's. There are a number of cables and feeder lines in this area, which render any move away from the site very difficult for the Group, and on the other hand, might cause considerable inconvenience to both parties should the company decide to expand in the future. In reply to a later question, Mr. Panter stated that there were no plans for expansion at this time.

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### Summation

Mr. Knapp stated that the Municipality was sympathetic to the objections raised by Amtelecom and would not wish to create problems, either now or in the future, for their expansion and/or alterations as demand may make necessary. However, he pointed out that designation did not necessarily preclude any alterations to designated properties, that amicable arrangements could often be made to accommodate changes but still retain the heritage qualities of a designated property and finally that, if necessary, designation could be appealed. He also pointed out that the Foy property is in the residential zone and any commercial expansion would require a change in the official plan of the Town.

### Findings

The Aylmer LACAC undertakes assessment of a property for designation only at the request of the owner. In this instance, the owner's request expressly included the entire site; after examination, the LACAC recommended designation of the exterior of the house, some interior details and the entire site which also houses an early carriage shed. The property is an integral part of the streetscape in the older part of the Town and a few other residences in this same area have already been designated. The objection raised by the Amtelecom Group was not of designation of the house per se but of the inclusion of that part of the property that adjoins theirs. As can be noted from the plan (Exhibit 5) Amtelecom fronts on Sydenham Street -- zoned commercial -- while the Foy property fronts on Pine Street, which runs parallel, one block south and is in the residential zone. Apparently, the Group runs feeder cables along this boundary and their concern is that any future expansion may involve a need to expand onto the adjacent property and they foresee problems arising which might be avoided if the property was not under any restrictions re future use or development. Apparently Mrs. Foy has already received requests for the property by other than residential interests but Mr. Panter stated that, at the present, they have no concrete plans for expansion.

### Recommendations

In view of the fact that:

- (1) the double lot provides a fine setting for the house and the accompanying carriage shed located at the rear;
- (2) any commercial incursion on the site could be detrimental to the streetscape;

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- (3) it is possible that any alterations or usage of the property by Amtelecom could be amicably resolved to the satisfaction of both parties should the need arise and lastly, if it could not, Amtelecom would then have recourse to appealing the designation;

IT IS THE BOARD'S RECOMMENDATION THAT the designation of the property, including land and buildings, known municipally as 11 Pine Street East, Aylmer, be proceeded with as originally intended.

(Signed)

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Barbara A. Humphreys  
Member

List of Exhibits appended

## List of Exhibits

### Exhibit #

1. Affidavit of Notice of Hearing.
2. Copy of Deed of Land.
3. Affidavit of Notice of Intention to Designate  
Letter of Objection from Amtelecom Group Inc.  
Letter from LACAC re-affirming recommendation of designation  
Report on Heritage Designation prepared by Aylmer LACAC.
4. Letter of Support of Designation from Thomas & Cheryl Hill.
5. Map of part of Aylmer showing Foy and Amtelecom Group Properties.
6. Excerpt from Assessment Records describing Amtelecom Group Property.