

**WITNESS STATEMENT OF MICHAEL MCCLELLAND**

**Case Nos. CRB 1824  
CRB 1825**

**CONSERVATION REVIEW BOARD**

**PROCEEDING COMMENCED UNDER** subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended

Owner:	Solmar (Niagara 2) Inc.
Objector:	Two Sisters Resorts Corp.
Subject:	Notice of Intention to Designate
Property Address:	200 John Street East
Legal Description:	Lot 145 RCP 692 Niagara Except Pt 1 to 9 30R8436
Municipality:	Town of Niagara-on-the-Lake
CRB Case No.	CRB 1824
CRB Case Name:	Two Sisters Resorts Corp. v. Niagara-on-the-Lake (Town)

**PROCEEDING COMMENCED UNDER** subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended

Owner:	Solmar (Niagara 2) Inc.
Objector:	Two Sisters Resorts Corp.
Subject:	Notice of Intention to Designate
Property Address:	588 Charlotte Street
Legal Description:	Lot 156 RCP 692 Niagara; Part Lot 145 RCP 692 Niagara Part 1 to 9, 30R8436; S/T RO718339, S/T RO413742, T/W RO413742 (PT 13,30R1792 Except Pt 5, 30R8436)
Municipality:	Town of Niagara-on-the-Lake
CRB Case No.	CRB 1825
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## WITNESS STATEMENT OF MICHAEL MCCLELLAND

### 1. EXPERIENCE AND QUALIFICATIONS

- 1.1. I am a registered architect and am one of the two founding Principals of ERA Architects Inc. (“ERA”), a multi-disciplinary heritage consulting firm. I received my Bachelor of Architecture degree from the University of Toronto in 1981 and my fellowship from the Royal Architectural Institute of Canada in 2006. Prior to receiving my degree, I worked for the City of Vancouver from 1972 to 1974, as the assistant to the City Historian, compiling the first inventory of heritage buildings in the City. This began my interest in heritage architecture, and I have practiced professionally in that area since the completion of my university education.
- 1.2. From 1982 to 1988, I was employed by the City of Toronto as a Preservation Officer for the Toronto Historical Board. I was responsible for the review of all permit and development applications, including alteration and demolition applications, for heritage properties in the City of Toronto. In that capacity, I became very familiar with the language and the practical application of the Ontario Heritage Act (“OHA” or “the Act”).
- 1.3. Since 1990, I have been in private practice as a heritage architect and cultural heritage planning consultant. I founded ERA with my business partner in 1994. Presently, ERA has more than 100 staff members, including architects, landscape architects, art and architectural historians, and heritage and municipal planners, all working collectively and in a multidisciplinary setting on cultural heritage projects.
- 1.4. Over the last 30 years in private practice, I (directly and with ERA) have accepted and completed engagements for a wide range of individuals and organizations in both the public and private sectors. I estimate that my engagements have been roughly split, with approximately 40% being for the public sector/community interest (e.g., municipalities, community groups) and approximately 60% for the private sector/property owners (e.g., developers, individual property owners). Regardless of the engagement or by whom I have been retained, I view my role as ensuring the practical and real-life application of heritage conservation principles on a consistent basis.

- 1.5. I have extensive experience in heritage architecture and cultural heritage planning in urban settings, including work in and around the Greater Toronto Area, including the Town of Oakville. I also have extensive experience assisting with the conservation of heritage property in accordance with applicable law and policies. By way of example, I undertook the heritage architectural work for the Evergreen Brickworks, the Art Gallery of Ontario, the Royal Ontario Museum, and for the Distillery Historic District. I remain as a heritage architecture advisor on each of these sites. I also completed urban heritage planning consultations for the Toronto Waterfront Culture Plan, and the downtown Hamilton Heritage Plan.
- 1.6. I am currently on the Stewardship Council of the Washington DC based Cultural Landscape Foundation.
- 1.7. ERA's work has been recognized in the area of heritage planning and architecture. In 2016, ERA received the Margaret and Nicholas Hill Cultural Heritage Landscape Award from the Architectural Conservancy of Ontario ("ACO") for its work on Mouth of the Creek Park in Toronto. The ACO is a non-government volunteer organization dedicated to the conservation of built heritage in Ontario, and the Award is intended as a recognition of the recipient's work in heightening awareness and appreciation of Ontario's significant landscapes. ERA was also the heritage consultant for the 2018 winning landscape competition entry for our work at Nepean Point in Ottawa awarded by the National Capital Commission.
- 1.8. ERA has won several Lieutenant Governor's awards for excellence in heritage conservation with which I was personally involved. These include the Paradise Theatre rehabilitation (2020); the Senate of Canada Building (2019); the University of Toronto's Daniels Faculty (2018); Casey House (2017); and the Broadview Hotel (2016). ERA is a winner of numerous Heritage Toronto awards and Toronto Urban Design awards.
- 1.9. In addition to my decades of practical experience in the application of heritage principles for both the private and public sectors, I have been active in the broader heritage community and in writing and academia, some of which I have highlighted below.
- 1.10. My involvement includes being a founder of the Canadian Association of Heritage Professionals, a national professional organization serving qualified

heritage professionals in Canada. I am also the past vice-president of the Canadian chapter of ICOMOS (the International Council on Monuments and Sites), which is part of UNESCO (the United Nations Educational, Scientific and Cultural Organization). ICOMOS is the agency that identifies world-wide heritage sites.

- 1.11. I have been a joint editor on a series of books on Toronto architectural history, including *Concrete Toronto*, *The Ward: The Life and Loss of Toronto's First Immigrant Neighbourhood*, and *The Ward Uncovered: The Archaeology of Everyday Life in Progress*. These books examine, among other matters, heritage issues in the larger urban context.
- 1.12. I have done numerous presentations or exhibitions in the area of heritage and heritage architecture. These presentations and exhibitions are in addition to my teaching engagements at the University of Toronto, York University, Ryerson University, OCAD University, Carleton University, and the University of Waterloo, where I have lectured and undertaken project reviews from 2007 to the present.
- 1.13. I have done heritage conservation work on a number of estates for which Dunington-Grubb designed the gardens, including the Parkwood Estate, the home of Robert McLaughlin, in Oshawa, and Whitehern and Gardens, the home of the McQueston family in Hamilton. Both properties are National Historic Sites, featuring prominent gardens.
- 1.14. I have been previously qualified as an expert in heritage architecture, cultural heritage landscapes and cultural heritage planning before the Ontario Municipal Board ("OMB") (now the Local Planning Appeal Tribunal) and the Conservation Review Board on numerous occasions.
- 1.15. My qualifications and experience are further detailed in my resume, previously filed. My executed Acknowledgement of Expert's Duty form is attached as **Appendix "A"**.

## **2. RETAINER AND BACKGROUND**

- 2.1. The properties which are the subject of this hearing are located at 200 John Street East ("200 John") and 588 Charlotte Street ("588 Charlotte"). I will refer

to these properties together as the “Subject Lands”. The Subject Lands are part of what is known locally as the “Rand Estate”. While the Subject Lands have heritage value on their own, the context of the Rand Estate illuminates the heritage attributes of the Subject Lands which are integral to the overall history of the Rand Estate in terms of design/physical, historical/associative, and contextual values.

- 2.2. The Rand Estate includes the Subject Lands and the adjacent properties located at 144 John Street East (“144 John”) and 176 John Street East (“176 John”). In addition, directly to the west are the two smaller subdivisions of Christopher Street and Weatherstone Court built in the late 1970s and early 1980s which include portions of the Rand Estate designated under the OHA or listed on the Municipal Register of Properties of Cultural Heritage Value or Interest (“the Municipal Register”).
- 2.3. Figure 1 (*next page*) includes a map showing the location of the Rand Estate, the Subject Lands, 144 John, 176 John and the lands adjacent to the west. The figure also identifies place names and terms which I will use throughout my Witness Statement.
- 2.4. ERA was initially retained by the Save Our Rand Estate Association (“SORE”) in January 2018, when it was anticipated that there would be an OMB hearing regarding an application for a hotel development on the adjacent properties at 144 John and 176 John. I was requested to provide heritage planning advice on this initial project. The project was primarily focussed on the properties 144 John and 176 John, but the Heritage Impact Assessment (“HIA”) submitted with the application included a subdivision plan for the rest of the Rand Estate at 200 John and 588 Charlotte.
- 2.5. My visits to the Rand Estate have been as follows:
  - 2.5.1. February 13<sup>th</sup>, 2018 (public realm only).
  - 2.5.2. April 12<sup>th</sup>, 2019 (exterior and building interiors – 144 John, 176 John, 200 John, 588 Charlotte).
  - 2.5.3. July 10<sup>th</sup>, 2020 (exterior only - 144 John and 176 John).



200 John Street East

- 1** Lodge (*guest house, Calvin Rand summer house*)
- 2** Swimming Pool Garden
- 3** Pool
- 4** Tea House (*tea pavilion, pool pavilion*)
- 5** Change House (*pool house, bath pavilion, folly*)
- 6** Pergola
- 7** Carriage House (*garage*)
- 8** Circular Mound Garden (*memorial garden*)
- 9** Whistle Stop (*wooden gazebo*)

176 John Street East

- 10** Main House (*Randwood*)
- 11** Brick Pavilion
- 12** Conical Pavilion (*Victorian wooden gazebo*)
- 13** Sunken Garden
- 14** Tennis Court
- 15** Stone Garden Pillars

144 John Street East

- 16** Sheets House (*Devonian house*)
- 17** Coach House

588 Charlotte Street

- 18** Barn and Stables (*main dwelling*)
- 19** Outbuilding
- 20** Sheds

580 Charlotte Street

- 21** Gatehouses

9 Weatherstone Court

- 22** Milkhouse and Stables

Aerial map indicating key elements and terminology within the Rand Estate. Naming conventions are shown in bold and alternate names in italics (Source: Google/ERA).

- 2.6. Following this I have continued to advise SORE on heritage matters related to the Rand Estate, have prepared a summary report of our findings on the estate, and I have prepared for this particular hearing.
- 2.7. In doing this work I have reviewed reports prepared by the Town of Niagara-on-the-Lake (“the Town”) and by the Objector, visited the site and adjacent properties and conducted research on the Rand Estate, the Dunnington-Grubb landscape architects, and other similar estate properties in Ontario.

### **3. SUMMARY HERITAGE OPINION**

- 3.1. It is my opinion that the heritage significance of the Subject Lands is integral to the overall history of the Rand Estate in terms of design/physical, historical/associative, and contextual values. Each property tells a portion of the evolving history of the estate not evident elsewhere. Both 200 John and 588 Charlotte warrant designation under Part IV of the OHA.
- 3.2. It is also my opinion that the Notices of Intention to Designate (“the NOIDs”) as issued by the Town are sufficient to provide an adequate basis for reasoned analysis. The Statements of Cultural Heritage Value or Interest have been well crafted and the attributes have been selected, as advised in the province’s Ontario Heritage Tool Kit. In practice my experience is that where there may be a perception of some uncertainty in the extent or intent of the listed attributes it is the responsibility of the heritage consultants on both sides to provide clarity about the full extent of the attributes in order to provide a framework for future conservation in support of a process which addresses either conserving those resources or mitigating their alteration or loss.
- 3.3. In this case all heritage witnesses agree that there is at least one attribute worthy of designation on each property. Leah Wallace, heritage advisor to the Objector, notes in her HIA of 2017 for 200 John, “Two remnants of the Dunnington-Grubb design remain, however. These are the pool and pool pavilion and the Tea House (Figure 50). They are significant artifacts of this landscape that should be retained”. And for 588 Charlotte she stated that the Estate Wall should also be retained. It is my opinion that all the attributes identified in the NOIDs are worthy of conservation.

- 3.4. Should there be opportunity to elaborate on the NOIDS, my office has prepared, under my supervision, an evaluation of the Subject Lands under Ontario Regulation 9/06 (“O. Reg. 9/06”), and optional revisions to the attributes as described in the NOIDs. I have included these in as **Appendix “B”** to this Witness Statement.
- 3.5. My Witness Statement will include the following material:
  - 3.5.1. The site and historic context;
  - 3.5.2. An overview of ERA’s heritage report;
  - 3.5.3. A heritage policy review;
  - 3.5.4. Summary / conclusions
  - 3.5.5. A response to the List of Issues;
  - 3.5.6. A list of sources relied upon;
  - 3.5.7. O. Reg. 9/06 evaluation and proposed attributes as alternative (**Appendix “B”**).
- 3.6. I adopt and rely on the evidence to be given by Brendan Stewart, with whom I worked on ERA’s overall assessment and reporting on the Rand Estate. Built heritage and its associated landscape cannot be separated into two discrete considerations. However, my Witness Statement will focus primarily on built heritage, while Brendan Stewart’s will address cultural heritage landscape.

#### **4. SITE AND HISTORIC CONTEXT**

- 4.1. The Rand Estate is located prominently within Niagara-on-the-Lake. The site has a history longer than its connection with the Rand family, having been originally owned by founding settlers to the region including the Hon. Peter Russell and the Hon. William Dickson.
- 4.2. Directly to the east of the estate is 210 John Street East, originally owned by Dickson’s second son who sold the land to Robert Melville, the first manager of the Niagara Harbour and Dock Company. It was Melville who built the

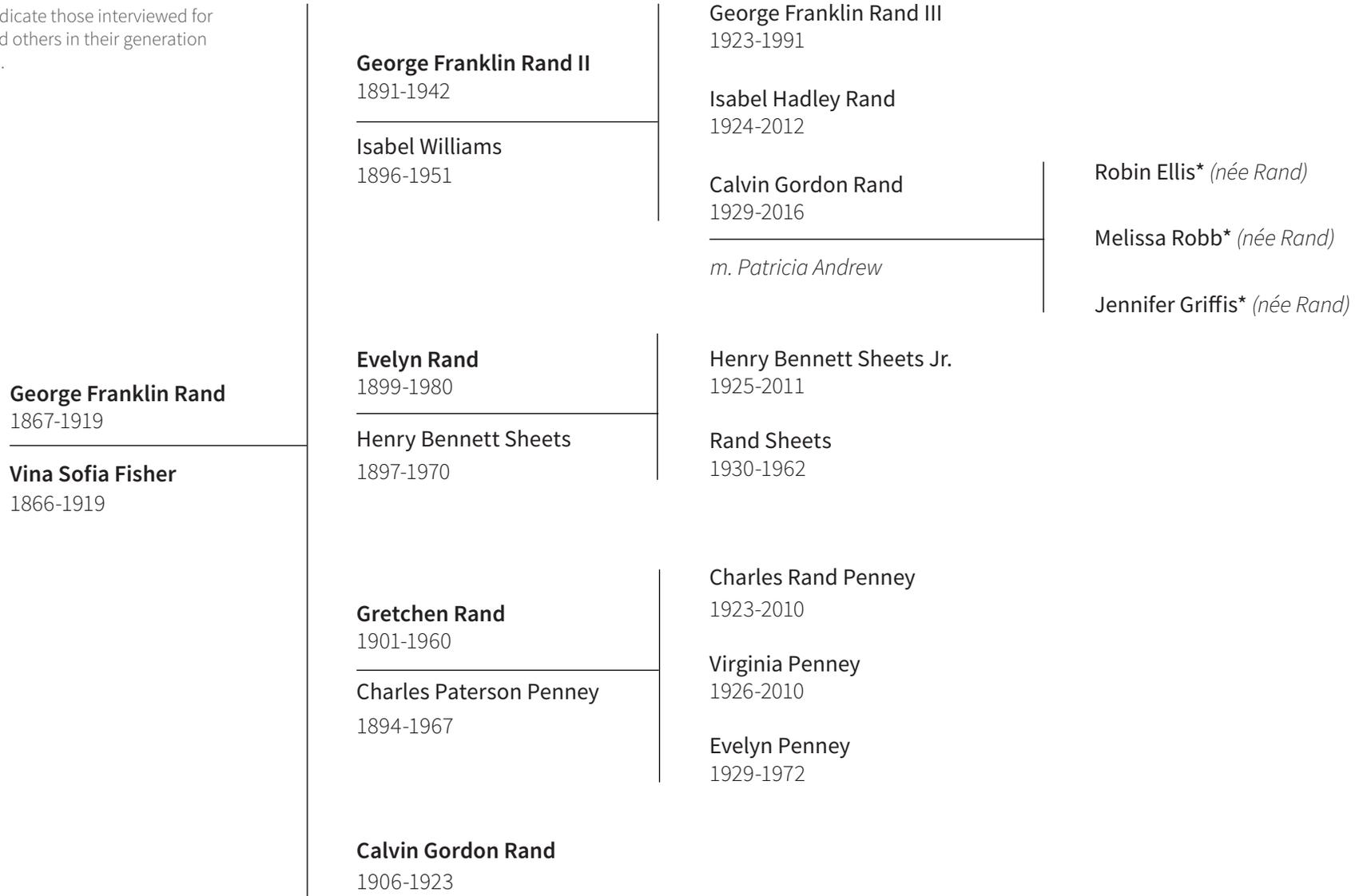
present building, called Brunswick Place, in 1830. The property is not designated but is listed on the Municipal Register and is an example of an estate property, similar to the Rand Estate, but smaller in scale.

- 4.3. Directly to the north is the Commons, an expansive historic site located within the adjacent federally-owned lands of Butler's Barracks National Historic Site of Canada and Fort George National Historic Site of Canada. The Commons is an essential component of Niagara-on-the-Lake, linking the town to its historic role in the War of 1812.
- 4.4. Directly to the west are the two smaller subdivisions of Christopher Street and Weatherstone Court built in the late 1970s and early 1980s which include portions of the Rand Estate now designated under the OHA or listed on the Municipal Register. These include the Milkhouse and Stables, which are designated under the OHA, and the Gatehouses and the Estate Wall, which are listed on the Municipal Register. The designation by-law for the Milkhouse and Stables notes that these buildings "typify model farm buildings designed to accompany an estate in the early twentieth century".
- 4.5. Directly to the south is a former rail corridor which had served the Rands as a vital connection to their home and business in Buffalo, New York. The corridor now serves as a public trail.
- 4.6. The Rand Estate presently consists of four subdivided properties in addition to the earlier severed portions which are now subdivisions.
- 4.7. The lands that make up the Rand Estate were acquired in 1910, 1919 and 1927, and portions remained under the ownership and stewardship of the extended Rand family until 2016. A Rand Family tree, linking family members to the estate over time has been included as Figure 2 (*next page*).
- 4.8. 176 John contains Randwood, the Main House. The Main House is emblematic of the estate as a whole in that it reflects continuous occupancy evolving over its very long history rather than one fixed style or period. Peter Stokes, the restoration architect, referred to the Main House as an enlargement of Woodlawn, which was built in 1822 and which was in turn built on the ruins of the Hon. William Dickson's home, built in 1811 and destroyed during the War of 1812. The Main House has continued to have alterations and additions well

**Figure 2 - Rand Family Tree**

**Selected Descendants**

Rand family tree showing selected descendants. Infant deaths are not shown. Asterisks (\*) indicate those interviewed for this report, and others in their generation are not shown.



into the period when it was occupied by the Niagara Institute for International Studies (“the Niagara Institute”) and the School of Philosophy.



*Figure 3– Main House at 176 John in 2019 (Source: ERA).*

- 4.9. 176 John is now designated and the reasons for designation recognize this diverse character by referencing Randwood as an “evolved summer residence that has evidence of multiple architectural styles”. The reasons for designation recognize the larger setting for the estate by stating, “It forms part of a larger significant cultural heritage landscape that includes all of the grounds of the original estate”.
- 4.10. One of the attributes listed in the NOID for 176 John is “the surviving elements of the Dunington-Grubb landscape including the formal stone path, sunken lily pond with sculpture, arched stone bridges;” – a feature of surviving elements is one that is being questioned for the remaining properties as part of this hearing. It was accepted with the 176 John designation.
- 4.11. The second property is 144 John; it is also designated and contains two very interesting structures – the Sheets House built in 1922 and the Coach House, which may have been built at an unconfirmed date of 1860. This dating for the Coach House is uncertain, as Leah Wallace notes in her 2020 HIA in reviewing mapping from 1819 and 1823 that buildings from that period “may be encompassed in existing buildings on the site, such as Randwood and the coach house”.



*Figure 4 – Sheets House at 144 John c.2009 (Source: Ruby Elltoft)*

- 4.12. The Sheets were related to the Rands by marriage and this relationship between the two families reflects the ongoing evolution of the estate. Evelyn Sheets (née Rand) was a noted equestrian which gave rise to horses being kept on the property. The reasons for designation note that “parts of the surviving landscape reflects the work and design of Howard and Lorrie A. Dunington-Grubb” and the attributes list “the surviving elements of the Dunington-Grubb landscape”. Again, these are the attributes being questioned for the remaining properties as part of this hearing. They were accepted with the 144 John designation.
- 4.13. The following two properties, 200 John and 588 Charlotte are the subject of this hearing, and I will take the opportunity to comment on their heritage values in response to the List of Issues.

## **5. OVERVIEW OF ERA HERITAGE REPORT**

- 5.1. As consultants to SORE we have undertaken considerable research and analysis of the Rand Estate, so that we could provide informed and helpful advice on heritage matters. We have compiled much of that information into a

report, titled *The Rand Estate, Niagara-on-the-Lake: Cultural Heritage Evaluation Report for 200 John Street East & 588 Charlotte Street* and prepared in accordance with the CRB's guidelines, which I would rely on Brendan Stewart to present as part of his evidence.

- 5.2. We have looked at the Rand Estate as a cultural heritage landscape, understanding the whole estate as a single enterprise that evolved over a history of almost 200 years. At its height the Rand Estate consisted of homes for both the Rand and Sheets families, as well as gardens, a dairy, prize winning cattle, and horses for equestrian events.
- 5.3. The report evaluates the Subject Lands under the criteria set out in O. Reg. 9/06 for determining cultural heritage value or interest (**Appendix "B"**). The properties were found to meet the criteria on the basis of design/physical, historical/associative and contextual value.
- 5.4. As the site is now severed into parcels it is not our intent to propose that this cultural landscape be designated as covering all the parcels but to illustrate how each property tells a portion of the evolving history of the estate not evident elsewhere and to support their designation under Part IV of the OHA. 200 John tells the story of the Lodge which Calvin Gordon Rand ("Calvin Rand") made into his summer home, and the earlier extent of the gardens and connection to the railway. 588 Charlotte tells the equally engaging story of the model farm and the evolution of the Sheets' use of the estate.

## 6. HERITAGE POLICY REVIEW

- 6.1. In the following paragraphs, I review relevant policies related to the conservation of the Rand Estate properties.
- 6.2. While I recognize that the CRB's jurisdiction stems from the OHA and that the Provincial Policy Statement (PPS) and the Ontario Heritage Tool Kit ("the Tool Kit") have no legislative authority, these policies and documents are useful tools to interpret cultural heritage landscapes and to understand O. Reg. 9/06 criteria.

## The Ontario Heritage Act

6.3. Among other things, the OHA establishes procedures related to heritage properties, such as how a municipality may designate, how a landowner may apply to alter a designated property or demolish a building or structure on a designated property, and what municipalities must do to utilize the various provisions of the Act.

6.4. Heritage Attributes are defined in the OHA as a component of real property. The definition for Heritage Attributes states:

*“In relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.”*

6.5. It can be noted that the definition in the 2020 Provincial Policy Statement (PPS) for Heritage Attributes is slightly different, stating, Heritage Attributes means “the principal features of elements that contribute to a *protected heritage property’s* cultural value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a *protected heritage property*”. In practice I find that reviewing PPS definitions on heritage matters is helpful as they often provide further guidance, in this case specifically referencing vegetation and significant views as potential attributes.

6.6. The OHA does not prohibit either the alteration of a designated heritage property, nor does it prohibit the demolition of buildings or structures on a designated heritage property. Rather, the OHA sets out a process by which the owner of a designated heritage property may seek the consent of the municipality to alter the property if the alteration is likely to affect the property’s heritage attributes (Section 33), or to demolish or remove a building or structure on the property (Section 34).

6.7. Section 33(1) states:

6.7.1. “**33** (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration.”

6.8. It is my opinion that careful consideration needs to be given to the term, *likely to affect*. In a very literal way, a property owner could say that if a dining room mantelpiece is identified as an attribute and you agree to physically retain only that mantelpiece, you are not affecting that attribute. But if you demolish everything else in that dining room, you are factually affecting the attribute by removing its context, its setting and much of its cultural, historical and associative meaning. This attribute, the mantelpiece, was not the only thing that needed to be conserved. The mantelpiece was simply the signifier of the larger context of the identified cultural heritage value or interest of the property. In the OHA it is my opinion that *likely to affect* implies that an attribute cannot be separated from and displaced from the meaning identified in the Statement of Significance.

### **Ontario Heritage Tool Kit (2006)**

6.9. The Ontario Heritage Tool Kit is a series of booklets published by the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries designed to assist municipal councils, staff, Municipal Heritage Committees, land use planners, heritage professionals, heritage organizations, property owners, and others with understanding heritage conservation in Ontario. I recognize that the Tool Kit is a non-statutory reference and that it is currently under review by the Ministry. The booklet on *Designating Heritage Properties* provides guidance on preparing a list of heritage attributes in Section 3 (Description of Heritage Attributes):

6.9.1. “*Heritage attributes are those attributes (i.e., materials, forms, location and spatial configurations) of the property, buildings and structures that contribute to the property’s cultural heritage value or interest, and which should be retained to conserve that value.*”

- 6.9.2. *Heritage attributes include, but are not limited to: Style, massing, scale or composition; Features of a property related to its function or design; Features related to a property's historical associations; Interior spatial configurations, or exterior layout; Materials and craftsmanship; or Relationship between a property and its broader setting.*
- 6.9.3. *The Description of Heritage Attributes lists the key attributes of the property. It is not an exhaustive account of the property's heritage attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included."*
- 6.10. The idea that the attributes be key or principal and selectively chosen is an important aspect of this hearing. There is no requirement that an attribute be significant in and of itself nor is it a requirement of the municipality that everything that is of interest be identified as an attribute. My sense with this hearing is that there is the suggestion that everything that is not pinned down as an attribute can be demolished, a bit like the analogy of the dining room and the mantelpiece. That would appear to be the concern here. If you have the pool house, do you really need the pool?

## **7. SUMMARY / CONCLUSIONS**

- 7.1. I support the Town of Niagara-on-the-Lake in its actions to designate these properties. I find the identified NOIDs are sufficient and satisfactory but am open to supplementary additions to the attributes, if that provides greater clarity.
- 7.2. Attributes should be drafted in a manner which assists in understanding and developing conservation approaches. I support the potential for change to occur on the site; the attributes and statement of cultural heritage value and interest should be the drivers of how any future development should occur.

## 8. RESPONSE TO ISSUES

### 8.1. 200 John Street East (“200 John”)

**Issue 1: Has the Town correctly, clearly and accurately described the Heritage Attributes of 200 John for the purpose of establishing that it has cultural heritage value or interest as prescribed by O. Reg. 9/06 and, therefore, should be designated under Section 29 of the OHA?**

8.1.1. The 2021 revisions to the Ontario Heritage Tool Kit (“the 2021 Tool Kit”) say “The statement of cultural heritage value or interest should be brief. It should provide enough information to explain how each described attribute contributes to the cultural heritage value or interest of the property”. This is a restatement of advice contained in the current Tool Kit document. The relationship between the statement of cultural heritage value and interest and identified attributes is crucial. The 2021 Tool Kit further states that Heritage Attributes, “work together to characterize the property’s cultural heritage or interest. When these features are clearly identified decision makers can more effectively ensure that future changes to the property do not adversely impact its cultural heritage value or interest”. It is my opinion that the statements of cultural heritage value or interest have been carefully prepared and the resultant attributes do work together to identify the physical characteristics of those statements.

**Issue 1(a): What are the “surviving elements of the Dunington-Grubb landscape” the Town wishes to protect, other than the: Tea Pavilion; Pool House; and Formal plantings and Pergola surrounding the Pool.**

#### **The Swimming Pool Garden and Change House**

8.1.2. I will let Brendan Stewart comment on the surviving elements of the Dunington-Grubb landscape on 200 John, which are considerable, but I must comment on the parsing of attributes. Here there are listed the Tea House (*tea pavilion, pool pavilion*), the Change House (*pool house, bath pavilion*), the formal plantings and the Pergola surrounding the Pool, and presumably we are in agreement that these

elements are acceptable attributes to both the Town and the Objector. But later the issue is raised as to whether the Pool itself can also be an attribute possibly with the argument that it should not be as it has been altered. My opinion as an architect is that the alterations to the have been well-executed, the alterations may have been done by Dunington-Grubb, and that it is highly irregular to argue for the deletion of the pool from the list of attributes for what the landscape architects called a 'Swimming Pool Garden'. The motivation may be a consideration of the future access routes through this portion of the site, but the appropriate way to deal with that would be to undertake a reasoned HIA at a future time. The CRB, in my understanding, does not consider future impacts caused by development.

- 8.1.3. A number of reports question the use of the Change House (*pool house, bath pavilion*). It is referenced in a 1975 appraisal of the property by Mackenzie, Elsley, Wilson Associates prepared for Calvin Rand, and it is described as a 'change house' - "the change house contains 2 change rooms and a bathroom with showers". Three daughters of Calvin Rand and Patricia Andrew said in an interview (June 16<sup>th</sup>, 2021) that in their time it was emptied and converted for use as a small sleeping cabin.

**Issue 1(b): Other than the Heritage Attributes listed in Issue 1(a), are the "surviving elements of the Dunington-Grubb landscape" that the Town wishes to protect Heritage Attributes, and should they be identified as such for the purpose of establishing that 200 John has cultural heritage value or interest as prescribed by O. Reg. 9/06 and, therefore, should be designated under Section 29 of the OHA?**

- 8.1.4. Yes, surviving elements of the Dunington-Grubb landscape are identifiable on the 200 John property and it is appropriate to consider them as attributes. This is described in more detail in Brendan Stewart's evidence.

**Issue 1(c): Are the structures listed below Heritage Attributes, and do they contribute to the heritage value of 200 John for the purpose of establishing that it has cultural heritage value or interest as prescribed**

**by O. Reg. 9/06 and, therefore, should be designated under Section 29 of the OHA: The Pool associated with the Tea house; The extant Wooden Stop/Whistle Stop; The two-storey Carriage House with hipped roof; and The Calvin Rand Summer House (a.k.a. the Guest House)?**

#### **The Pool associated with the Tea House**

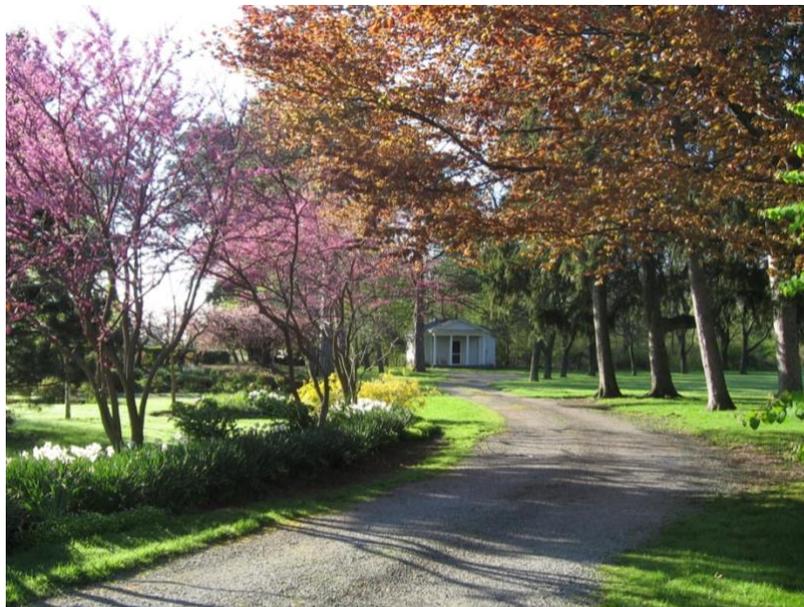
8.1.5. While addressed above I would add that ERA has acquired correspondence from Dunington-Grubb to George Franklin Rand III in 1950 asking about the need for making an alteration to the Pool<sup>1</sup>. This letter indicates the landscape architects continued interest in maintaining the gardens at this late date, spanning an involvement of over 30 years. I would argue that if the Tea House (*tea pavilion, pool pavilion*) is acceptable as an attribute, the Pool itself would also be an attribute, as an architectural component of the garden and as an integral part of the Swimming Pool Garden. The Change House is at some distance from these structures but was obviously a useful adjunct. It has been carefully sited to terminate a view corridor east of the Lodge. Its diminutive scale suggests it is at a greater distance from the viewer, much like a folly in the romantic landscape tradition. We could reference a Claude Lorrain landscape painting or the actual follies at Stowe, England, to illustrate the sophisticated high level of design the Dunington-Grubbs were expressing in their landscape in Niagara-on-the-Lake. Again it was the setting and context of the attributes as they were composed within the landscape.



*Figure 5 – Pool and Tea House (tea pavilion, pool pavilion) c.2010 (Source: Rita Brown)*



*Figure 6 – Pool and Tea House (tea pavilion, pool pavilion) 2019 (Source: ERA).*



*Figure 7 – Change House (pool house, bath pavilion) c.2010 (Source: Rita Brown).*



*Figure 8 – Change House (pool house, bath pavilion) in 2019 (Source: ERA).*

### **The extant Wooden Stop/Whistle Stop**

- 8.1.6. As Brendan Stewart will explain, the Whistle Stop is significant as a specific termination in the overall landscape of the Rand Estate and

also as for its associative connection to George Franklin Rand's Buffalo home and office. It has been noted that the Whistle Stop is a small wooden structure which is not in great shape having lost its roof. The Whistle Stop, in my opinion, was an attractive small-scale pavilion and it is not in such poor condition that it has lost its heritage value, but that would require a careful examination of what remains. If it were decided that it is not an attribute my concern would be that it would be swept away and that no consideration would be given to the Whistle Stop as an important guidepost to the associative value of the Rand Estate and the design intentions of the Dunington-Grubbs. Again, here the argument seems to be attempting to limit future outcomes or development options by precluding the listing of attributes through this hearing.

- 8.1.7. Brendan Stewart in his evidence will compare the brackets of this building to a similar outdoor structure, the Conical Pavilion, associated with the designed landscape on the rest of the site.



*Figure 9 – Whistle Stop in 2019 (Source: ERA).*

### **The Calvin Rand Summer House (a.k.a. the Guest House) / Lodge**

- 8.1.8. The Calvin Rand summer house, which was commonly called the Lodge by the Rand family, was designed by Harold Jewett Cook in

1925-1926, according to an accounting document at the Buffalo History Museum. Cook was a well-respected Buffalo architect and he designed branches of the Rand family's Marine Trust Company. It is unconfirmed whether he did additional work at the Rand Estate but certainly the adjacency of the nearby Carriage House, its proximity in construction dates and similarities in detail, should be considered.

- 8.1.9. Prior to its use by Calvin Rand, the Lodge was occupied by his elderly mother-in-law. When Calvin Rand decided to make the Lodge his summer home, he hired a well-known Niagara architect, Donald N. Chapman, to modernize the building, adding the innovative clerestory lights. Chapman's drawings show that the earlier Lodge building was retained but it was redesigned to reflect Chapman's own innovative style. This modernism is distinctive of Chapman's work, based on his training at the University of Manitoba, and it would be suited to a leader in Niagara-on-the-Lake's theatre community in the 1970s. This modernism may not be consistent with a particular image of an early 20th century estate, but it is consistent with the 'multiple architectural styles' that one experiences at the Rand Estate.
- 8.1.10. This idea of moving to the rear of the property and creating more modest accommodation in the Lodge, while remaining on the Estate, coincided with Calvin Rand's co-founding of the Niagara Institute, which operated in the Main House as well as the Sheets House. This multigenerational shift in occupancy had already started much earlier when the younger Sheets brothers converted the Barn and Stables in the 1950s.
- 8.1.11. There is some documentary evidence of the earliest appearance of Cook's Lodge building. It was a grey stucco building with multipaned windows and an interplay of roof forms. It appears architecturally related to the other model farm buildings on the site. Adjoining the Lodge had been a massive Lord and Burnham greenhouse which again makes a connection to farm related activity at the Rand Estate. The greenhouse was documented and recorded and removed to the Willowbank School of Restoration Arts prior to the preparation of the NOIDs. It pre-dated Chapman's work for Calvin Rand.

- 8.1.12. There was a suggestion, based on oral reports, that the Lodge was fire damaged some 20 years ago or possibly in the 1970s and that it was demolished and reconstructed. Our subsequent review of the Chapman drawings from 1971 indicates that whatever damage occurred it was successfully repaired with little impact on Chapman's design. We confirmed this in the interview with Calvin Rand and Patricia Andrew's daughters (June 16<sup>th</sup>, 2021). They stated that the fire occurred in 1998 and the 'building did not burn to the ground'. The Chapman drawings from 1971 (included in **Appendix "C"**) clearly demonstrate the alterations undertaken at that time to Cook's earlier Lodge building, and are an accurate representation of the building as it now stands.
- 8.1.13. Calvin Rand was the co-founder of the Niagara Institute and the Shaw Festival, both important institutions for the Niagara region. He would have started to summer at the Lodge in 1976, shortly after the time of the opening of the Shaw Festival Theatre in 1973 on the opposite side of the Commons. The social history of Niagara-on-the-Lake is full of galas and parties related to the Rand Estate and the early life of the Shaw Festival.



*Figure 10 – Lodge (Calvin Rand summer house, guest house) in 2020 (Source: ERA).*

### **The two storey Carriage House with hipped roof**

- 8.1.14. The Carriage House has less documentation than many of the other buildings, but it represents a component of the Rand and Sheets family's investment in the idea of a model farm. Its shallow pediment over the double entry doors is a detail typical of well-designed carriage houses. It was carefully designed on its own but it also serves as part of a suite of buildings on the site as ancillary to the Main House. There are stylistic elements that are similar between the Carriage House on 200 John, the Barn and Stables (*main dwelling*), Outbuilding, and Sheds on 588 Charlotte, and the Milkhouse and Stables at 9 Weatherstone Court, and even the earlier design of the Lodge on 200 John, which suggest their construction over several years was a coordinated plan.
- 8.1.15. In use it would not be for carriages, but more accurately for cars, similar to the car garage that was built at the Spadina Estate in Toronto, with the upper apartment being for the chauffeur who could have also served as a part-time gardener. Oral history from Calvin Rand suggests it was also used as a stable. Cheryle Facey, granddaughter to the former groundskeeper Alexander Panas, confirmed in an interview that her family lived on the upper floor and that, in her memory, the ground floor was used to store gardening equipment.



*Figure 11 – Carriage House (garage) in 2019 (Source: ERA).*

## 8.2. 588 Charlotte Street ("588 Charlotte")

**Issue 1: Are the structures listed below Heritage Attributes, and do they contribute to the heritage value of 588 Charlotte for the purpose of establishing that it has cultural heritage value or interest as prescribed by O. Reg 9/06 and, therefore should be designated under section 29 of the Ontario Heritage Act; the Main Dwelling; Outbuilding One - fronting onto gravel driveway; Outbuilding Two - adjacent to Main Dwelling; Outbuilding Three - single entrance; the One-storey Rectangular Building with hipped roof and overhang eaves; and large French doors with ornate diamond- shaped windows associated with the original design?**

8.2.1. This Farm Complex speaks to the agricultural history of the property - an important part for understanding the full history of the Rand Estate. Located on the 588 Charlotte property, the Farm Complex tells the original story of its early agricultural history and then afterwards how the later generations of Sheets and Rands occupied the site. Originally the core of the complex included a cow barn and a horse stable.

- 8.2.2. Henry Sheets Jr. made alterations to the Barn and Stables (*main dwelling*) carefully considering the agricultural nature of the site, incorporating many of the original barn features such as the dovecote in the roof structure. A newspaper article of the time (1957) states that he only had time to review the blueprints before going to the Korean War<sup>2</sup>. There was very little structural change to the buildings and features. The barn doors and the hayloft were retained in Henry Sheets Jr.'s stable building and the actual stalls were converted into bedrooms. His brother, Rand Sheets, made the cow barn building his renovation at the same time, converting a large undivided barn space into food preparation, dining and conversation areas for what the article calls his 'bachelor quarters'. Both renovations warranted newspaper articles in Buffalo and both renovations appear sensitive and sympathetic, while at that the same time, being modern and contemporary – similar to Calvin Rand's later renovation of the Lodge.
- 8.2.3. The Barn and Stables (*main dwelling*), together with the Outbuilding and Sheds, are actually a grouping of buildings as one might typically find on a farm. All of these buildings have had different uses at different times in their history, but together they reflect the overall scope of the estate from its earlier model farm history to the later intergeneration occupancies on the site.
- 8.2.4. In the diagram provided (Figure 12) one can see the gradual evolution of the farm buildings. One caution is that the dating of any of the buildings on site is difficult given the quality of the archival material. For these farm buildings we have used aerial photographs, to identify the first appearance of each building.

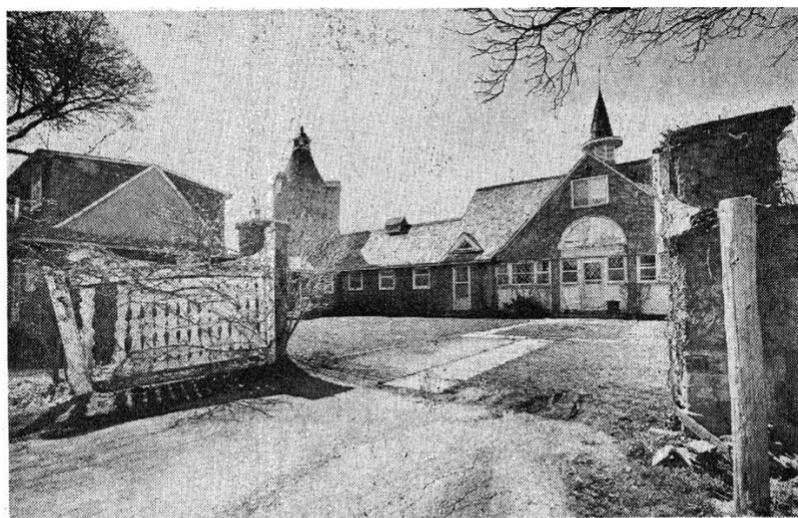


Figure 12 – Diagram of the Farm Complex at 588 Charlotte, including the Barn and Stables, Outbuilding, and Sheds, showing estimated construction timeline based on archival aerial photographs and documents, shown on a 2018 aerial photograph (Source: Google/ERA).

8.2.5. These buildings most clearly demonstrate the model farm history of the site. In this case the model farm was the idea that the early 20<sup>th</sup>-century businessman could pursue his connection with the land by the operation of a small farm, a certainly appealing idea for an American coming to Niagara-on-the-Lake. This has been a consistent response to nature since the development of the *ferme ornée*, an idea developed by French nobility before the French Revolution. The Barn and Stables (*main dwelling*), Outbuilding, and Sheds, as well as the Milkhouse and Stables at 9 Weatherstone Court all illustrate several architectural motifs, such as their Dutch gables, their diamond-paned windows and a range of ornamental roof features, such as ventilators and spires, which indicates a single hand in the design of these buildings. Of the two shed buildings, one is much simpler. They are described in an undated survey as chicken coops, but obviously from their design that

was not their original intended purpose. The taller of the two appears clearly with its large upper and lower door and its roof vent to have been an aerating shed of some kind. Further research on these sheds could be undertaken. These buildings illustrate how even simple attributes ‘work together’ to establish the character and context of the site. The Dutch gable is not a common architectural term, but it refers to a traditional roof which has a hipped roof interrupted by a smaller inset gable. This type of traditional detail, is rare in farm construction, and it reflects the ornamental or decorative character these farm buildings would play on the larger estate. Collectively these attributes ‘work together’ to represent something that was typical at the time for the wealthy class in their estates – a model farm. It is now a rare example of this farm type.

- 8.2.6. The estate was also to some degree a working farm and was incorporated as Randwood Farms Ltd. in 1929. In the 1930s, Randwood Farms Ltd. was officially the owner of the property, leasing the estates back to the Rand family. From oral interviews, it would appear that the farm component seemed to lessen well before Calvin Rand’s daughters could remember, leaving finally only the horses with their running paddocks.



STABLE WAS ONCE PART OF 1825 RANDWOOD ESTATE  
— Staff photo by Leonard LePage

*Figure 13 – Milkhouse and Stables at 9 Weatherstone Court, date unknown (Source: St. Catharines Standard).*



*Figure 14 – Milkhouse and Stables at 9 Weatherstone Court in 2018 (Source: ERA).*



*Figure 15 – Barn and Stables (main dwelling), date unknown. (Source: Cultural Heritage Evaluation Report (2018) by Letourneau Heritage Consulting Inc.).*



*Figure 16 – Barn and Stables (main dwelling) in 2019 (Source: ERA).*



*Figure 17 – Outbuilding prior to landscape removals and alterations in 2018 (Source: Letourneau Heritage Consulting Inc.).*



*Figure 18 – Shed in 2019 (Source: ERA).*



*Figure 19 – Shed in 2019 (Source: ERA).*

## 9. SOURCES RELIED UPON

Brendan Stewart with ERA Architects Inc.

2021. *The Rand Estate, Niagara-on-the-Lake: Cultural Heritage Evaluation Report for 200 John Street East & 588 Charlotte Street.*

Cheryle Facey (grandchild of former groundskeeper Alexander Panas).

2021. *Discussion with Michael McClelland, Brendan Stewart and Amanda Ghantous.*

Leah Wallace.

2020. *200 John Street & 588 Charlotte Street, Draft Plan of Subdivision, Town of Niagara-on-the-Lake: Heritage Impact Assessment.*

Leah Wallace.

2018. *Heritage Impact Assessment Addendum & Regulation 9/06 Review 144-176 John Street, 200 John Street & 588 Charlotte Street Town of Niagara-on-the-Lake.*

Leah Wallace.

2017. *Heritage Impact Assessment 144-176 John Street – Hotel & Restaurant 200 John Street & 588 Charlotte St – Plan of Subdivision Town of Niagara-on-the-Lake.*

Letourneau Heritage Consulting Inc.

2019. *Addendum to Cultural Heritage Evaluation Report (CHER) for 144, 176, and 200 John Street East and 588 Charlotte Street.*

Letourneau Heritage Consulting Inc.

2018. *Cultural Heritage Evaluation Report: 144 John Street East, 176 John Street East, 200 John Street East, 588 Charlotte Street.*

Mackenzie, Elsley, Wilson, Associates

1975. *Appraisal: Rand Estate, 120 John St., Niagara-on-the-Lake, Ontario, for Calvin Rand.*

Ministry of Municipal Affairs and Housing.

2014. *Provincial Policy Statement.*

Ministry of Municipal Affairs and Housing.

2020. *Provincial Policy Statement.*

Ministry of Heritage, Sport, Tourism and Culture Industries

2021. *Updates to the Ontario Heritage Tool Kit –Designating Heritage Properties.*

Ministry of Tourism, Culture and Sport.

2005. *Ontario Heritage Act –Ontario Heritage Amendment Act.*

Ministry of Tourism, Culture and Sport.

2006. *Ontario Heritage Tool Kit –Designating Heritage Properties.*

Peter Stokes.

1989. *Report re: Randwood, John Street East, Niagara-on-the-Lake.*

Robin Ellis, Jennifer Griffis and Melissa Robb (children of Calvin Gordon Rand 1929-2016).

2021. *Discussion with Michael McClelland, Brendan Stewart and Amanda Ghantous.*

Town of Niagara-on-the-Lake.

2020. *By-law 5284-20. Heritage Designation By-law for 176 John Street East.*

Town of Niagara-on-the-Lake.

2020. *By-law 5285-20. Heritage Designation By-law for 144 John Street East.*

Town of Niagara-on-the-Lake.

2018. *Notice of Intention to Designate 144 John Street East.*

Town of Niagara-on-the-Lake.

2018. *Notice of Intention to Designate 176 John Street East.*

Town of Niagara-on-the-Lake.

2018. *Notice of Intention to Designate 200 John Street East.*

Town of Niagara-on-the-Lake.

2018. *Notice of Intention to Designate 588 Charlotte Street.*

Town of Niagara-on-the-Lake.

1988. *By-law 1971-88. Heritage Designation for the Randwood Milkhouse and Stables, 580 Charlotte Street.*

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<sup>1</sup> Howard Dunington-Grubb, letter to George Franklin Rand III, May 12, 1950.

<sup>2</sup> "Gay Christmas for Young Families in Summer Homes Beside Niagara," *Buffalo Evening News*, August 21, 1957.

**APPENDIX A:  
ACKNOWLEDGEMENT OF EXPERT'S DUTY**

## Attachment 5

### Acknowledgement of Expert's Duty: Video Hearing

Case Number	Municipality
CRB 1824, CRB 1825	Town of Niagara-on-the-Lake

1. My name is Michael McClelland ..... (name)  
 I live at the City of Toronto ..... (municipality)  
 in the Greater Toronto Area ..... (county or region)  
 in the Province of Ontario ..... (province)
  
2. I have been engaged by or on behalf of SORE Association .....  
 (name of party/parties) to provide evidence in relation to the above-noted Review  
 Board proceeding.
  
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as  
 follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my  
 area of expertise; and
  - c. to provide such additional assistance as the Review Board may reasonably  
 require, to determine a matter in issue.
  - d. not to seek or receive assistance or communication, other than technical  
 support, from any third party, including but not limited to legal counsel or client,  
 while giving oral evidence in chief, under cross-examination or while in reply.
  
4. I acknowledge that the duty referred to above prevails over any obligation which I may  
 owe to any party by whom or on whose behalf I am engaged.

Date June 25, 2021

  
 \_\_\_\_\_  
 Signature

**APPENDIX B:  
O. REG. 9/06 EVALUATION & PROPOSED ATTRIBUTES AS ALTERNATIVE**

## 200 John Street East: O. Reg. 9/06 Evaluation

1. The property has design value or physical value because it,	
(i) is a rare, unique, representative or early example of a style, type, expression, material, or construction method,	<p><b>As an integral part of the Rand Estate, the property is a rare and representative example of a large Country Place Era estate.</b> The estate is in keeping with Country Place Era designed landscapes that characterized upper class North Americans' country residences and retreats, particularly in the 1920s and 1930s. The estate, which was 50 acres (20 hectares) in size at its height, would have been among the larger examples of this type. The formal and informal landscape design features on this property designed by prominent landscape architects Dunington-Grubb are characteristic of this movement in landscape architecture.</p> <p><b>The property is a unique and representative example of a Beaux-Arts landscape.</b> This is reflected in the axial landscape of the 'Main Walk', an integrated sequence of garden rooms and axial views following Beaux-Arts design principles. Spanning from the Estate Wall to the Main House, most of this landscape sits within this property. It includes the Swimming Pool Garden, a composition of built and landscape features which includes what is believed to be the first private pool in Niagara-on-the-Lake, as well as the Circular Mound Garden, which functions as a visual landmark and moment of pause within this axial landscape.</p>
(ii) displays a high degree of craftsmanship or artistic merit, or	<p><b>The property displays a high degree of craftsmanship for the design of its Swimming Pool Garden.</b> Designed by skilled landscape architects Howard and Lorrie Dunington-Grubb and constructed by Sheridan Nurseries, the Swimming Pool Garden on the property creates an integrated garden setting for a pool that was a destination within the Rand Estate. The composition of built and landscape elements contains the Pool, Tea House, Pergola (not extant), paving, rectilinear graded banks, hedging, lawn and herbaceous border. Together, they create an outdoor room, and demonstrate landscape design and architecture working in harmony.</p>
(iii) demonstrates a high degree of technical or scientific achievement.	<p>The property does not demonstrate a high degree of technical or scientific achievement. No evidence was found to suggest the built and landscape elements demonstrate significant achievement in this regard.</p>

<b>2. The property has historical value or associative value because it,</b>	
<p>(i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,</p>	<p><b>The property has direct associations with the Rand family.</b> The Rands, a prominent family from Buffalo, New York, became well-known in Niagara-on-the-Lake over multiple generations, each of which had distinct uses and interests on the estate. The property comprises a portion of the land first purchased by the Rands in 1910, and remained under the family's ownership until 2016. The property's ability to convey these associations is evident in the many key elements of the estate it contains, such as the Lodge, Carriage House, Main Walk and Swimming Pool Garden, many or all of which were commissioned by the Rand family. The estate continues to be known by the family namesake.</p> <p><b>The property has direct associations with Calvin Gordon Rand (1929-2016).</b> Among the third generation of his family on the Rand Estate, Calvin Gordon Rand maintained a presence there throughout his lifetime. Rand is particularly known for co-founding both the Shaw Festival and the Niagara Institute for International Studies, both based in Niagara-on-the-Lake, and for working to build links between Canada and the United States. The property contains the Lodge, which he altered and expanded in 1971 for his family's own use, and the property remained under his ownership until shortly before his death in 2016.</p> <p><b>The property has direct associations with the Shaw Festival.</b> Throughout the festival's first decade after its founding by Brian Doherty and Calvin Gordon Rand in 1962, the Rand Estate was the setting for recurring events with guests including prime ministers, premiers and ambassadors. In its position behind the Main House, this property, including its Swimming Pool Garden, was an integral part of these large events. After this formative decade, the festival achieved permanent status with the opening of a permanent venue opposite the estate across the Commons. It has since grown to become a major Canadian and Ontario cultural icon, drawing some 250,000 visitors annually to Niagara-on-the-Lake.</p>
<p>(ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or</p>	<p><b>The property yields an understanding of Niagara-on-the-Lake as a 'summer colony'.</b> The arrival of the railway in Niagara-on-the-Lake in the 1850s and its linkage to Buffalo in the 1860s meant that, by the late 19th century, the community had become a popular tourist destination, or 'summer colony', for Americans, particularly those from Buffalo. Among these were the Rand family, and the property conveys this association through the Whistle Stop which was used as a private train stop by the family until passenger rail service ended in 1926. It is the south terminus of the Main Walk connecting the railway to the Main House.</p>

<p>(iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</p>	<p><b>The property reflects the work of landscape architects Howard and Lorrie Dunington-Grubb.</b> Dunington-Grubb were pioneers in the field of landscape architecture, and the estate landscape reflects the principles applied throughout their practice in planning and designing country house properties. These are reflected in landscape elements designed in relation to the buildings on the property, including the use of axial walkways, garden pavilions, sculpture, herbaceous borders, and mature vegetation within the landscape. Dunington-Grubb is known to have worked on the estate over more than three decades, from 1917 until at least 1950, and may have been retained as early as 1915.</p>
<p><b>3. The property has contextual value because it,</b></p>	
<p>(i) is important in defining, maintaining or supporting the character of an area,</p>	<p><b>The property is important in supporting the character of the surrounding area.</b> The Estate Wall which delineates the boundaries of the Rand Estate supports the character of the area historically defined by large estate lots along John Street. The segments of the wall on the property, with its rhythm of pillars and gates, are important to the public realm on John Street and the former rail corridor.</p>
<p>(ii) is physically, functionally, visually or historically linked to its surroundings, or</p>	<p><b>The property is physically, functionally, visually, and historically linked to the Rand Estate.</b> The property is physically connected to the adjacent estate properties through an estate-wide circulation system of roads and paths, the Estate Wall which delineates the boundary of the estate, and the Main Walk which connected this property to the Main House and functioned as an organizational element of the formal landscape. It is visually connected to these properties through the siting of its built and landscape features which create visual connections between buildings and landscape features on the estate. The property is functionally and historically connected to the adjacent estate properties through the Carriage House and Lodge which supported the estate's use as a summer residence.</p> <p><b>The property is physically, functionally, visually, and historically linked to the former rail corridor.</b> The rail corridor forms the southwestern boundary of the estate, delineated by the Estate Wall and tree planting. At a gated opening in the wall created for the purpose, the property contains the Whistle Stop used historically by the Rand family as a private railway stop, an important organizing element in the axial design of this property and historical functions of the estate.</p>
<p>(iii) is a landmark.</p>	<p>The property is not a landmark. It is a private property which has seen limited use in recent years, is sited in the interior of a larger estate, and does not contain built elements visible from the public realm.</p>

## 200 John Street East: Proposed Attributes as Alternative

The cultural heritage value or interest of the property is represented in the following heritage attributes:

- The two-storey Carriage House with hipped roof, including the asymmetrical façade with original windows and original doors and hardware
- The Lodge, including the entire exterior, the original brick fireplace and chimney in the double-height main space, and the coordinated design of interior space with access to natural light and views to and from the landscape
- Views north and south along the axis of the 'Main Walk' including:
  - The view south terminating at the Circular Mound Garden, along the axis of the former 'Main Walk', with the Tea House and perimeter planting of the Swimming Pool Garden to the east and the Lodge to the southwest
  - The view north, through the gate in the Estate Wall, with the Whistle Stop in the foreground to the west, and terminating at the Circular Mound Garden
- The picturesque view of the Change House, looking east along the curving estate drive (in front of the Lodge) through trees in naturalistic groupings
- Elements of the recreational estate landscape including the gravel-paved Main Walk, and the Swimming Pool Garden, consisting of the Tea House, Pool, and surrounding landscape which includes the paving and grading around the Pool, hedging, lawn, and herbaceous border, that together create an outdoor room, accessed from and organized along the Main Walk
- The one-storey, rectangular Change House with diminutive classical columns and detailing, functioning as a 'folly' element within the landscape
- The Circular Mound Garden, featuring a banked mound circumscribed by the main walk featuring an inner and outer circular bosque of coniferous trees, and functioning as a visual landmark and moment of pause along the 'Main Walk' axis
- The Whistle Stop and associated entrance gate in the Estate Wall denoted by red brick pillars and an ornamental iron gate<sup>1</sup> and the spatial alignment of these elements at the terminus of the Main Walk
- The stone Estate Wall located along the former rail corridor at the southwestern boundary of the property
- The Estate Wall, red brick pillars and gate located on John Street East
- The mature trees and plantings along the access route from John Street, which support the character of the Sunken Garden on 176 John Street East

<sup>1</sup>Current location of the ornamental iron gate is unknown.

## 588 Charlotte Street: O. Reg. 9/06 Evaluation

1. The property has design value or physical value because it,	
(i) is a rare, unique, representative or early example of a style, type, expression, material, or construction method,	<p><b>As an integral part of the Rand Estate, the property is a rare and representative example of a large Country Place Era estate.</b> The estate is in keeping with Country Place Era designed landscapes that characterized upper class North Americans' country residences and retreats, particularly in the 1920s and 1930s. The estate, which was 50 acres (20 hectares) in size at its height, would have been among the larger examples of this type. The model farm buildings on this property and their functional and picturesque setting, complementary to the formal landscape features found on other parts of the estate, are characteristic of this movement in landscape architecture.</p> <p><b>The property is a rare and representative example of a model farm (aka ornamental farm or <i>ferme ornée</i>).</b> Ornamental farms, or <i>fermes ornées</i>, were defined by domestic grounds providing a rural character that complemented the park-like aesthetic in the pleasure and recreation grounds. The property contains a concentration of these functions within the estate, and the Barn and Stables, Outbuilding, and Sheds contain design features common to all the farm and service buildings across the estate, combining the utility of the working farm with the aesthetic of the formal landscape design in a manner which is characteristic of model farms.</p>
(ii) displays a high degree of craftsmanship or artistic merit, or	The property does not display a high degree of craftsmanship or artistic merit. The craftsmanship and artistic merit of the built and landscape elements were found to be typical for their type and period.
(iii) demonstrates a high degree of technical or scientific achievement.	The property does not demonstrate a high degree of technical or scientific achievement. No evidence was found to suggest the built and landscape elements demonstrate significant achievement in this regard.

<b>2. The property has historical value or associative value because it,</b>	
<p>(i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,</p>	<p><b>The property has direct associations with the Rand family.</b> The Rands, a prominent family from Buffalo, New York, became well-known in Niagara-on-the-Lake over multiple generations, each of which had distinct uses and interests on the estate. The property comprises a portion of the land first purchased by the Rands in 1910, and remained under the family's ownership until 1980. The property's ability to convey these associations is evident in the many key elements of the estate it contains, including the Barn and Stables used by the Rand family as part of their model farm, which were later converted by the Sheets branch of the family for use as a summer residence. The estate continues to be known by the family namesake.</p> <p><b>The property has direct associations with the activities of a model farm (aka ornamental farm or <i>ferme ornée</i>).</b> The property contains a concentration of the functions associated with this activity on the estate. Its ability to convey this association is evident in the design character and arrangement of the Barn and Stables and outbuildings, which maintain the legibility of the Rand family's model farm. The design features of these buildings are common to all the service and farm buildings on the estate, and were incorporated in the conversion of the Barn and Stables into a summer residence in the mid-20th century.</p>
<p>(ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or</p>	<p>The property does not yield, or have the potential to yield, information that contributes to an understanding of a community or culture. While it forms an integral part of the Rand Estate, the property was not found to yield information to a significant degree in this regard.</p>
<p>(iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</p>	<p>The property does not demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community, though design features found on all the service and farm buildings on the estate suggest that they were designed by the same person. The property forms part of the larger estate landscape associated with landscape architects Howard and Lorrie Dunnington-Grubb, however their work is more directly conveyed within adjacent properties on the estate.</p>

<b>3. The property has contextual value because it,</b>	
(i) is important in defining, maintaining or supporting the character of an area,	<b>The property is important in supporting the character of the surrounding area.</b> The Estate Wall which delineates the boundaries of the Rand Estate supports the character of the area historically defined by large estate lots along John Street. The segments of the wall on the property, with its rhythm of pillars and gates, are important to the public realm on Charlotte Street and the former rail corridor, where the property contains the longest continuous segment of the wall across the estate.
(ii) is physically, functionally, visually or historically linked to its surroundings, or	<b>The property is physically, functionally, visually, and historically linked to the Rand Estate.</b> The property is physically connected to the adjacent estate properties through an estate-wide circulation system of roads and paths as well as the Estate Wall which delineates the boundary of the estate. It is visually connected to these properties through the siting of its built features which create visual connections between buildings and landscape features on the estate. The property is functionally and historically connected to the adjacent estate properties through the Barn and Stables and outbuildings that supported the small model farm associated with the larger estate.  <b>The property is physically and visually linked to the former rail corridor.</b> The rail corridor forms the southwestern boundary of the estate, delineated by the Estate Wall and tree planting. Among the various estate properties, this property shares the longest boundary with the former rail corridor, and consequently, it contains the longest continuous segment of the wall across the estate.
(iii) is a landmark.	The property is not a landmark. It is a private property which has seen limited use in recent years, is sited in the interior of a larger estate, and does not contain built elements visible from the public realm.

### **588 Charlotte Street: Proposed Attributes as Alternative**

The cultural heritage value or interest of the property is represented in the following heritage attributes:

- The stone Estate Wall located along the former rail corridor at the southwestern boundary of the property
- The entrance gate in the stone Estate Wall on Charlotte Street, denoted by red brick pillars, and the access route into the rear of the estate
- The one-storey rectangular Outbuilding with hipped roof, including original windows and original doors and hardware
- The Barn and Stables with Dutch gabled roofs, including its original massing, original cupola, original windows, original doors and hardware, and interior remnants including the former hayloft and original barn doors
- The two Sheds with hipped and gable roofs sited in proximity to the Barn and Stables, including their original windows and original doors and hardware
- The arrangement of the Barn and Stables, rectangular Outbuilding, and Sheds (the Farm Complex), in combination with space-defining hedges along the access route and inner forecourt garden
- The picturesque siting of this Farm Complex within its setting
- The mature trees along the access route from Charlotte Street and along the former rail corridor, which appear to date from the 19<sup>th</sup> century

**APPENDIX C:  
SELECTED IMAGES OF THE LODGE**



A1. Lodge and adjoining greenhouse prior to alterations, date unknown. (Source: Rand Family).



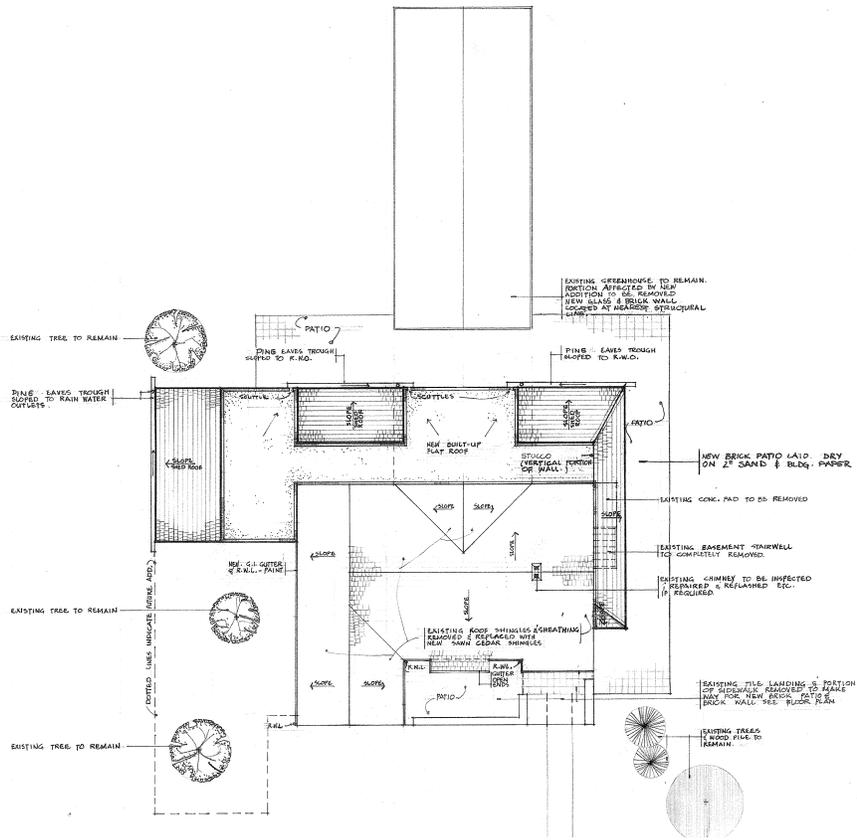
A2. Front entrance of the Lodge showing original diamond-paned windows similar to other outbuildings on the estate, date unknown. (Source: Rand Family).



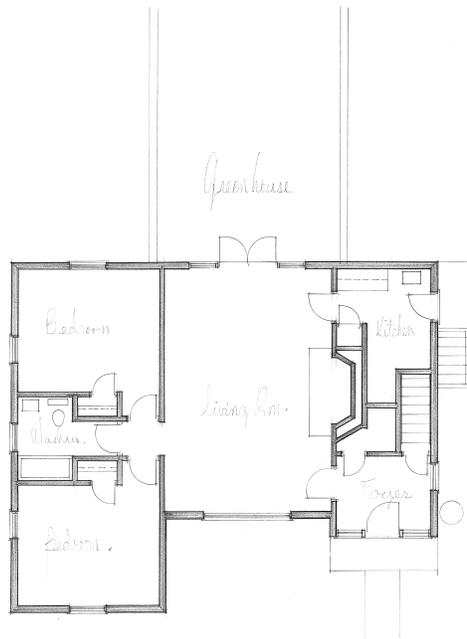
A3. View of the Lodge from the Main Walk, date unknown. (Source: Rand Family).



A4. View of the Lodge from the Main Walk, date unknown. (Source: Rand Family).



A5. 1971 site plan showing alterations to the Lodge. (Source: Chapman Murray Architects).



A6. 1971 as-built floor plan of the Lodge prior to alterations. (Source: Chapman Murray Architects).





A10. Front of the Lodge c.2010. (Source: Rita Brown).



A11. Lodge c.2010. (Source: Rita Brown).



A12. Rear of the Lodge during greenhouse removal process c.2010. (Source: Rita Brown).



A13. Front of the Lodge in 2019. (Source: ERA).



A14. Rear of the Lodge with remnant brick foundations of the greenhouse visible in the foreground, 2019. (Source: ERA).



A15. Rear of the Lodge in 2020. (Source: ERA).



A16. Front of the Lodge in 2020. (Source: ERA).