



**Heritage Resource Assessment  
Zephyr Farms Ltd.  
Brooke-Alvinston Wind Farm  
RESOP # 11836**

Prepared for  
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**Mark Knight**            Environmental Planner, *Stantec Consulting Ltd.*

## 1.0 Introduction

The Brooke-Alvinston Wind Farm is a 10 MW project that will make use of four Samsung Heavy Industries 25xc wind turbines, each producing a maximum of 2.5 MW of electricity. These wind turbines have a hub height of 80 meters and a rotor diameter of 99.8 meters. The wind farm will consist of four wind turbine generators, access roads, and a substation.

Archaeological Research Associates Ltd. (ARA) was retained by Stantec Consulting Ltd., on behalf of Zephyr Farms Ltd., to prepare this report for the purpose of compliance with Section 20 of *Ontario Regulation 359/09* (see Appendix A). The regulation establishes the requirements for obtaining a Renewable Energy Approval (REA) under the *Environmental Protection Act*. It outlines what steps an applicant must take before applying for a REA, what is required in the REA application, transition rules and prescribed timeframes for tribunal hearings.

Section 20 of the regulation requires the preparation of a **Heritage Assessment Report** which must consist of:

- the identification of cultural heritage resources present within the project area (using criteria supplied in the O-Reg.)
- an evaluation of the impacts of the proposed renewable energy project on identified cultural heritage features
- a proposal for measures to avoid, eliminate or mitigate said impacts, if required (including, if necessary, a heritage conservation plan)

In cooperation with the **Heritage Resources Centre** at the **University of Waterloo**, this report was completed to satisfy these requirements and will be filed with the Ministry of Tourism and Culture.

## 2.0 Location

The study area is comprised of a large block of lands with the potential to be impacted by the construction of the proposed wind farm, located in Brooke-Alvinston Township, Lambton County, Ontario (see Figures 1-3). It is 471.13 ha in size and is irregular in shape. The study area is bounded by Old Walnut Road to the east and agricultural lands to the north, south, and west. Ebenezer Road traverses the study area towards its western boundary. Specifically, it is located on Lots 14-15, Concession 13 and Lots 12-15, Concession 14 of Brooke-Alvinston Township.

The project area is crossed by 4 small flows. These include:

- 1 tributary of Bear Creek in the northern part of the study area;
- 2 tributaries of Little Bear Creek in the southwestern part of the study area; and
- 1 tributary of Brown Creek in the southeastern part of the study area

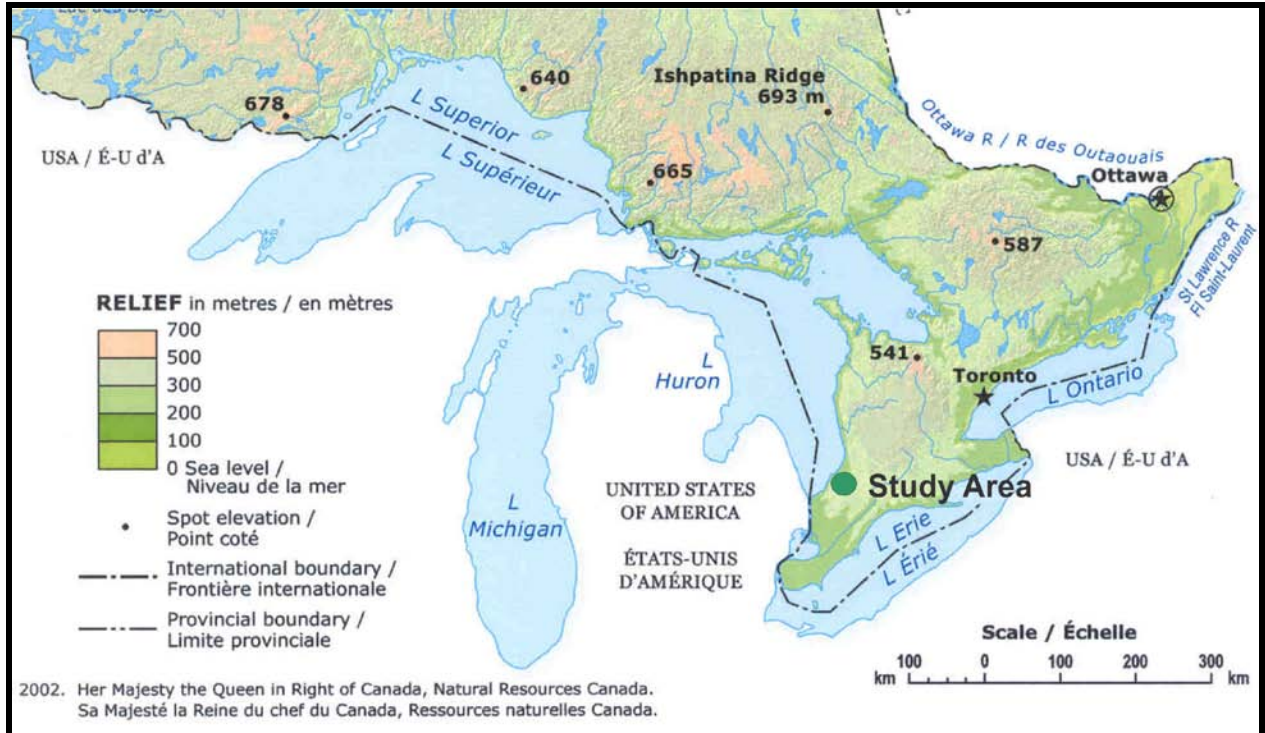


Figure 1: Study Area in Southern Ontario

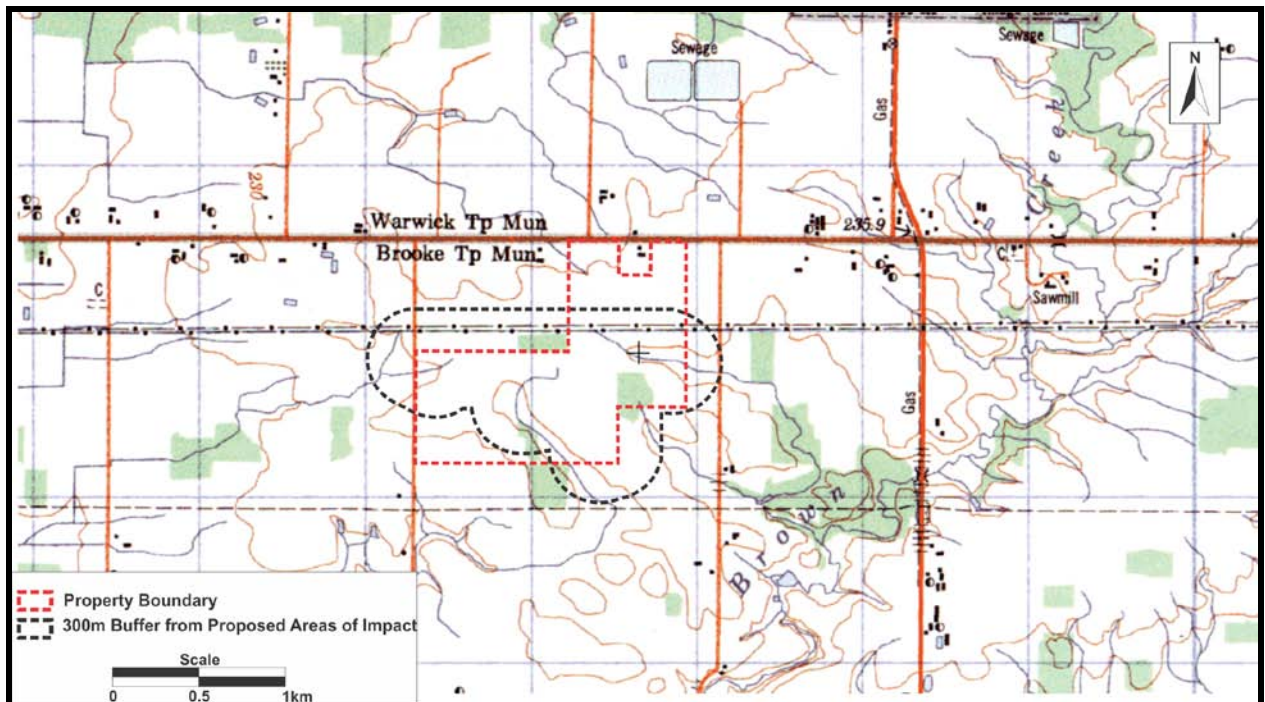


Figure 2: Study Area in the Township of Brooke-Alvinston

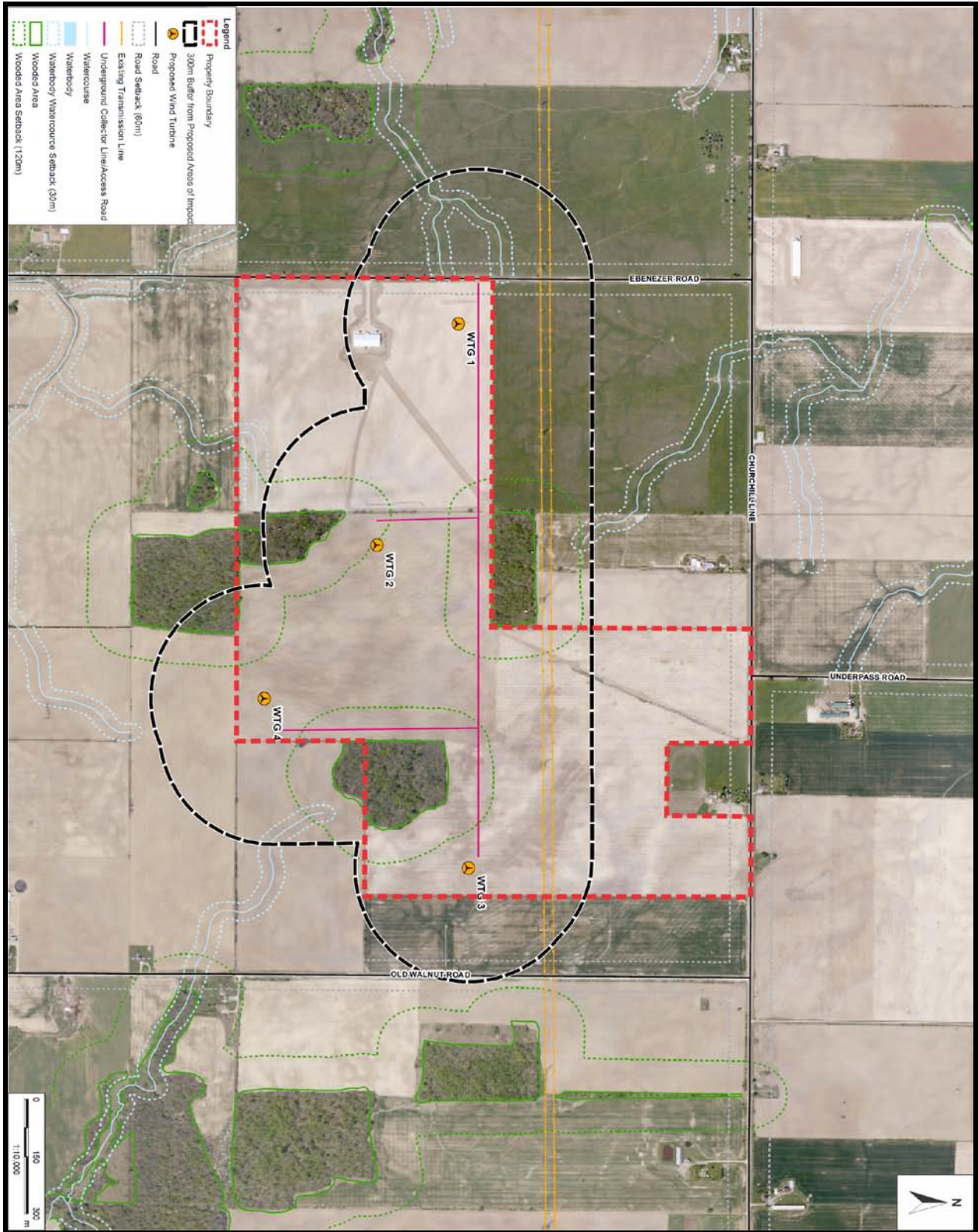


Figure 3: Study Area in Detail, Showing Turbine Locations and Associated Infrastructure

### 3.0 Methods

Data collection consisted of systematic photographic documentation and a windshield survey of the study area. Photographs capturing known or potential cultural landscapes and built heritage features were taken along with general views of the area. Information was also obtained from aerial photographs, historical maps, local historical organizations, and the local archives.

Cultural heritage features within the study area were identified and included in this report based on the following definitions and concepts:

#### **Cultural Heritage Resources:**

- an umbrella term that includes cultural landscapes and built heritage features. The generally accepted and approximate age for the preliminary identification of cultural heritage resources is forty years, with the understanding that this does not necessarily exclude resources less than forty years that demonstrate heritage value or design significance.

#### **Cultural Heritage Value or Interest (CHVI):**

- “the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings” (*Standards and Guidelines for the Conservation of Historic Places in Canada* 2003).

#### **Cultural Heritage Landscape (CHL):**

- “any geographical area that has been modified, influenced, or given special cultural meaning by people” (*Parks Canada Guiding Principles and Operational Policies* 1994)
- “a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. A landscape involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value” (Provincial Policy Statement 2005).

#### **Built Heritage (BH) Feature:**

- “one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions” (Provincial Policy Statement 2005).

#### **Environment:**

- according to Section 1(1)(c&d) of the **Environmental Assessment Act** (R.S.O. 1990), the term ‘environment’ can include “the social, economic and cultural conditions that

influence the life of humans or a community”, and “any building, structure, machine or other device or thing made by humans”.

This document is supported by the guidelines and polices provided by the following:

- the **Ontario Heritage Act** (R.S.O. 1990) and **Ontario Regulation 9/06** made under the Act
- *Standards and Guidelines for the Conservation of Historic Places in Canada* (2003)
- *Guidelines on the Man-Made Heritage Component of Environmental Assessments* (Ministry of Culture and Recreation 1980)
- Section 2(d) of the **Ontario Planning Act** (R.S.O. 1990), which states that provincial interest shall include “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest”
- the **Provincial Policy Statement** (2005), issued under the authority of Section 3 of the **Planning Act**. The Provincial Policy Statement states in Section 2.6.1 that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” where ‘significance’ means “in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people”
- **Ontario Regulation 359/09** and the **Environmental Protection Act**, (R.S.O. 1990) as detailed in Section 1.0 of this document.

Each identified heritage resource was documented and evaluated using a standard format. This template was developed by the Heritage Resources Centre at the University of Waterloo. A property must have the potential to meet at least one of the criteria to be considered to have heritage significance. These criteria fall into three categories: design or physical value, historical or associative value and contextual value. All the properties in the study area that had the potential to be cultural assets were evaluated against these criteria.

## 4.0 Historical and Contextual Background

### 4.1 The Pre-Contact Era

The first settlers within the study area were the Paleo-Indian people who arrived after the retreat of the Wisconsinian glaciers, approximately 9,000 B.C. (Warrick 2004: 83). For the next 1500 years or so, the Paleo-Indians lived as hunter-gatherers in the boreal-like landscapes of southern Ontario. Because of the low biotic productivity of this environment, it is believed that human groups ranged over very wide territories in order to live sustainably (Ellis & Deller 1990:52). The Parkhill site, which is located north of the study area is considered one of the most important Paleo-Indian sites in Ontario (Ibid: 45-46). Traditionally, Paleo-Indians have been conceptualized as ‘big game hunters’ who lived on caribou and other Pleistocene megafauna. However, given the poor preservation of these sites (which are mostly understood only from stone tools and debris from their manufacture), much about the lifeways of these people remains unknown (Ibid.:38). In general, the impacts that humans left on their environment at this time were small (less than 200 square metres), ephemeral, and fleeting (Ellis & Deller 1990:51).

Beginning around 8,000 B.C., the biotic productivity of the environment began to increase as the climate warmed and the watershed was colonized by deciduous forest. As a result, more opportunities arose for the exploitation of both animal and plant food sources. The resulting broad-based economy was the basis for the archaeological cultures that are referred to as 'Archaic'. During this period (roughly 8,000 B.C. – 800 B.C.) there was an explosion in the number and variety of raw materials, tool forms, site types, and the number of sites themselves. Because Archaic sites are more recent than Paleo-Indian ones, preservation tends to be better. Artifacts composed of bone, shell, and even wood are not unheard of. During the late Archaic period, heavy wood-working tools appear, suggesting that people were building shelters or other objects, such as transportation aids (Ellis et al. 1990:66-67). It is clear from the toolkits that have been unearthed that Archaic peoples had an encyclopaedic understanding of the environment that they inhabited. The number and density of the sites that have been found suggest that the environment was exploited in a successful and sustainable way over a considerable period of time. The success of Archaic lifeways is attested to by clear evidence of steady population increases over time. Eventually, these increases set the stage for the final period of Pre-Contact occupation – the Woodland Period (Ellis et al. 1990:66-67).

The Woodland Period began around 800 B.C. and is characterized by the appearance of pottery. Along the south shore of Lake Huron, a number of Early Woodland (800 B.C. – 0 A.D.) sites belonging to the so-called Meadowood Complex have been identified. It is believed that hunting, fishing and gathering remained the primary subsistence strategy and that further population growth took place as subsistence strategies grew more refined, and more successful. At the Terminal Archaic/Early Woodland transition, the first cemeteries appear, suggesting a communal regard for the dead and burial ceremonialism (Spence et al. 1990).

The Middle Woodland period (roughly 0 A.D. - 500 A.D.) saw the emergence of the Saugeen Complex, known mostly from a series of sites along the shores of Lake Huron (Ibid:148). The Wyoming Rapids site is the only known Saugeen Complex site located near the study area. It has been interpreted as a spring-early summer macroband settlement that focused on the harvest of spawning fish (Ibid: 151). The archaeological data from Saugeen Complex sites suggests a hunting and gathering lifestyle in which Aboriginal bands gathered at river rapids to exploit spawning fish in the spring, broke up into microbands living along Lake Huron for the summer, and moved inland during the winter (Ibid: 153-154).

At the Middle to Late Woodland transition, (ca. 400 A.D.) the first rudimentary evidence of maize (corn) horticulture appears in Ontario. The Grand Banks site, near Cayuga, Ontario, has yielded the earliest evidence of maize horticulture in northeastern North America (Warrick 2000:427). This site represents the first known example of the archaeological culture known as Princess Point. The distinctive artifacts of this group, and their reliance on corn as a staple, suggests that they are directly ancestral to the later Iroquoian-speaking peoples who lived in southern Ontario (Ibid.).

The archaeological situation in southwestern-most Ontario is more complex, and more poorly understood. It appears that the study area lies within the frontier between Iroquoian-speaking peoples to the east, and Algonquian-speaking peoples of the so-called Western Basin Tradition to the west. This frontier appears to have changed location over time, extending as far into Ontario

as London at one point, and then contracting later to the Detroit and St. Clair Rivers (Murphy & Ferris 1990:218). Site locations tended to be focused on sand plains, moraines, sandy points, lakeshores and prairie borders. The Simons site, located north of the study area, has been identified as belonging to the Riviere au Vase Phase of the Western Basin Tradition. It should be noted that the site is far removed from any other Western Basin sites and that many of them are located further southwest (Ibid: 190). The St. Clair Clay Plain was a generally inhospitable location, with wet ground conditions and a dense canopy of black ash and white elm; conditions which made resource exploitation and horticulture very difficult.

During the Late Woodland Period (roughly 1000 A.D. to 1650 A.D.) maize horticulture in Ontario allowed for population increases which in turn led to larger settlement sizes, higher population density, and increased social complexity among the peoples involved. Beginning around 1000 A.D., early Iroquoians to the east of the study area were living in small villages comprised of a number of longhouses, producing pottery with decorated incised rims, and using pipes to smoke tobacco. Essentially, the lifeways that were observed by the first Europeans to venture into the area were in place by this time. By 1450, it is possible to differentiate between the archaeologically-represented groups that would become the Huron and the Neutral of the early Contact period (Warrick 2000:446). Amongst the Neutral, village sizes swelled to as much as 5 hectares, with longhouses sometimes reaching over 100 metres in length. It is believed that some villages may have held as many as 2500 inhabitants (Ibid.:447).

Between 1550 and 1600 A.D., Western Basin sites disappear from southwestern Ontario (Ibid.:189). At the same time, the Neutral appear to have abandoned southwestern Ontario for the area to the east of Lake Ontario and the Niagara Peninsula. This may have been an attempt on the part of the Neutrals to place a buffer between themselves and their Western Basin neighbours (Lennox & Fitzgerald 1990:437-438).

#### **4.2 The Early Contact Period**

The first European to venture into what would become southern Ontario was Etienne Brulé, who was sent by Samuel de Champlain to visit the area and to learn the language and customs of the First Nations there. Champlain himself made two trips to Ontario, first in 1613 and later from 1615 to 1616 (Vaugeois et al. 2004:182). The Iroquoian peoples encountered by Champlain included the Huron (or Wendat as they called themselves), the Petun, and “la nation neutre” (the Neutrals). While the former groups were concentrated in the northern part of Simcoe County and the Grey-Bruce region respectively, the Neutrals occupied the territory immediately west of Lake Ontario and throughout the Niagara Peninsula.

During his journey of 1615, Champlain was told of a people called *les gens de Feu* (the *Fire Nation* in English or the *Asistaguerouons* in Huron) that the Neutrals and their Odawa allies were making war on approximately 10 days journey away (Butterfield 1881:52). It has been suggested that the Western Basin people were the so-called Fire Nation who were pushed out of the province following their defeat by the Neutrals (Stothers 1981) (see Figure 3). Later scholars have identified the Fire Nation with the Mascouten (Butterfield 1881, Hunt 1940). Champlain’s map of the province is so inaccurate that absolute certainty in the matter is impossible to achieve.



**Figure 4: Detail from Samuel de Champlain's Carte de la Nouvelle France (1632)**

(Source: John Carter Brown Library, Brown University)

The location of the Neutral Nation between the mutually belligerent Wendat and the League of the Haudenosaunee from New York State (often referred to as the Six Nations Iroquois) placed the Neutrals in a politically precarious position which, by 1650 led to their demise as a distinct cultural entity (Lennox & Fitzgerald 1990:456). The remnants of the group may have been absorbed by the Haudenosaunee (which included the Mohawk, Cayuga, Onondaga, Oneida, Seneca, and Tuscarora Nations).

At the same time, the Wendat (Huron) were forcibly dispersed from their homeland by the League of the Haudenosaunee. Survivors settled in Quebec (the modern day community of Wendake), and in the area of Michilimackinac. Many were probably adopted into the nations of the Haudenosaunee (Ramsden 1990:384). By 1651, most of southwestern Ontario was little more than the unpopulated hunting grounds of the Iroquois (Lajeunesse 1960:xxxii).

The land tenure vacuum that was created by the dispersal of the Wendat and Neutral Nations allowed Algonkian-speaking Anishinabeg peoples to migrate to the north shores of Lake Erie and Lake Ontario by about AD 1700. Europeans called these people the "Mississaugas", mistaking the name of a single clan (the *Ma-se-sau-gee*) for that of the entire group (Smith 2002b: 107). At this time, Haudenosaunee settlements appear to have contracted back into New York state, possibly due to fur trade-related tensions between the League and their Anishnabeg neighbours (Warrick 2005:1) (see Figure 4).

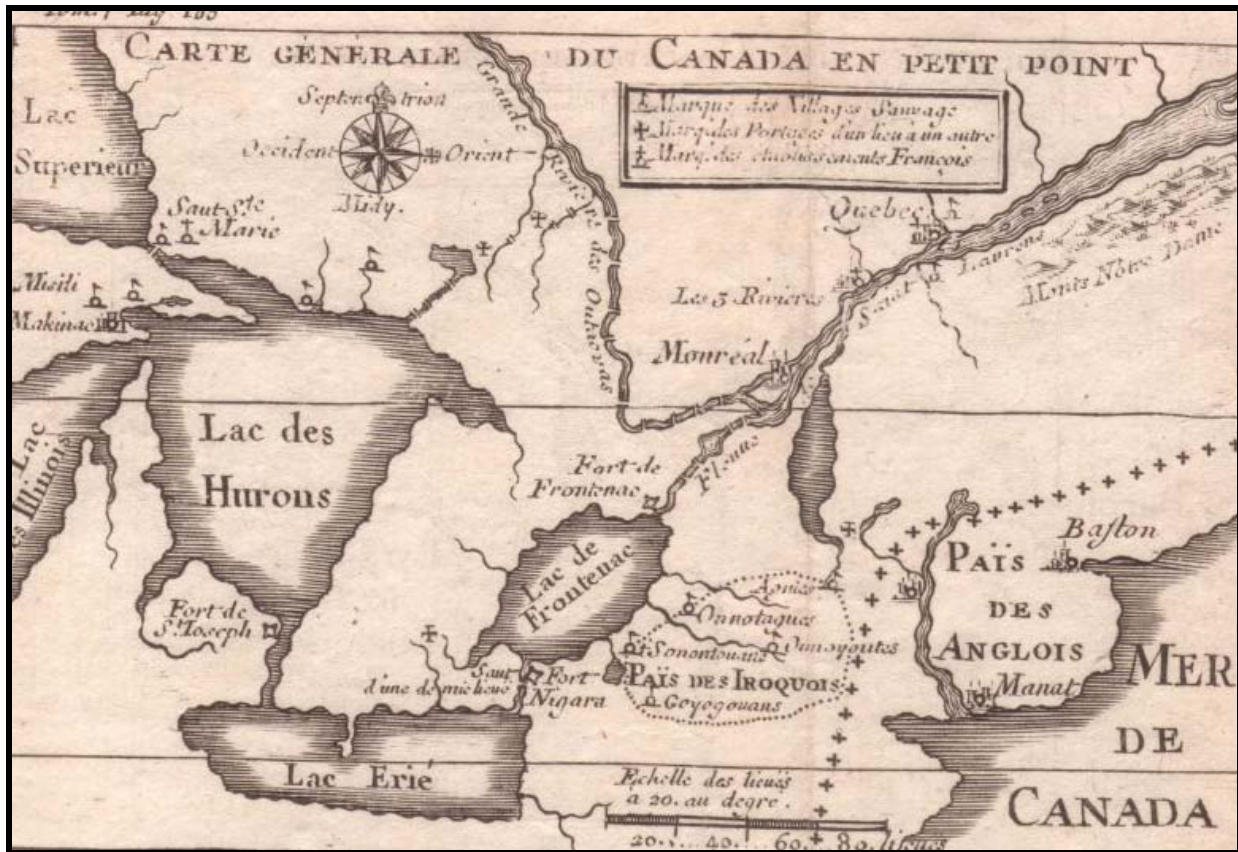


Figure 5: Detail from Baron de Lahontan's *Carte Generale du Canada en petit Point* (1703)  
(Source: [www.mapsofpa.com](http://www.mapsofpa.com))

### 4.3 The Historic Era

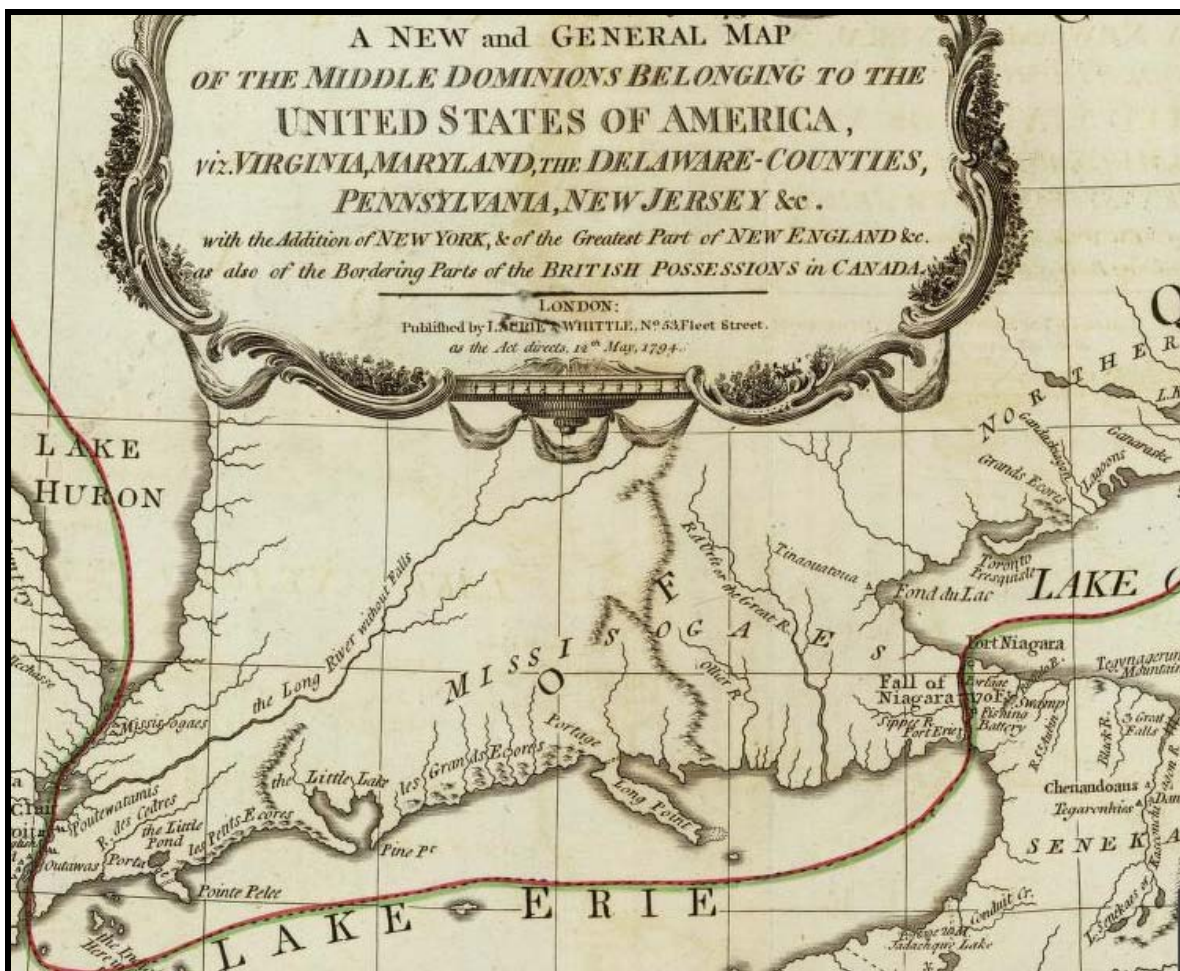
Throughout the 1700's and early 1800's, Anishinabeg peoples hunted, fished, gardened and camped across southwestern Ontario, but the footprint left by these people on the landscape they inhabited was exceedingly light. Archaeological sites dating to this time period are both rare and difficult to detect (Warrick 2005:1). Nevertheless, as far as the Colonial powers were concerned, most of Ontario belonged to them (see Figure 5).

The French maintained trading posts at Detroit, Niagara and Frontenac and offered many enticements to attract fur traders from the First Nations. Their attempts failed and the English (based in New York State) remained more prosperous. In 1754, hostilities over trade and territorial ambitions led to the *Seven Years War* (often called the *French and Indian War* in North America). The French surrendered in 1760 and were forced to withdraw from Canada (Smith 2002:109).

The Anishinabeg had been stalwart allies of the French during the 7 Years War. After 1760, they forged a new alliance with the English. This relationship endured the English defeat at the end of the American War of Independence (1775-1783) and set the tone for the refugee movement of the United Empire Loyalists and the Six Nations into Canada (Smith 2002:109).

Following the American War of Independence, the British needed land for Loyalists who had been displaced by the conflict. Southwestern Ontario, fertile and only sparsely settled, seemed perfect. On July 24, 1788, the Governor General of Quebec, Sir Guy Carleton, divided Upper Canada into four administrative districts; Lunenburg, Mecklenburg, Nassau and Hesse (Walker 1939:90). The government then set about creating land boards to facilitate settlement in each district. The land board for the District of Hesse, extending from Long Point to Detroit, met for the first time on June 19, 1789.

The Constitutional Act (sometimes called the Canada Act) of 1791 created the Provinces of Upper Canada and Lower Canada (Craig 1993:17). John Graves Simcoe, the first Lieutenant Governor of the Province, initiated several schemes to populate and protect the newly-created province as the ongoing threat of war with the United States required the borders to be populated quickly. A settlement strategy that relied on the creation of shoreline communities and effective transportation links between the settlements was employed. In 1792, the first legislature of Upper Canada changed the names of the Districts to Eastern, Midland, Home and Western respectively (Walker 1939:90).



**Figure 6: Detail from Robert Laurie and James Whittle's New and General Map (1794)**  
(from the David Rumsey Collection)

In 1796, an act of Parliament allowed Simcoe to divide Upper Canada into as many counties as he might think fit. Accordingly, the counties of Essex and Suffolk, were created at this time. The county of Kent (which included what became Lambton County) comprised all of the territory in the Western District that was not included in the other counties (Lauriston 1952:29). Essentially this meant that, at the time, Kent County was the largest county ever created, stretching from Lake Erie to Hudson's Bay, and as far west as "the utmost extent" of Canada (McGeorge 1939:36) (see Figure 6). However, the counties had little true power, beyond serving as electoral ridings. Administration of the province was accomplished through the District system.



**Figure 7: Detail from William David Smyth's Map of the Province of Upper Canada (1800)**  
(from the David Rumsey Collection)

#### 4.4 Land Treaty

The study area lies in the lands covered under Treaty Number 21, which was made between the British, through their agent John Aiken, and the Chippewa first Nation on March 9<sup>th</sup>, 1819. The description of the tract is given as follows:

*Commencing at the northerly side of the River Thames at the south west angle of the Township of London; thence along the western boundary of the Township of London, in a course north 21 degrees, 30 minutes west, twelve miles to the north west angle of the said Township; then on a course about south 62 degrees and 30 minutes west forty-eight miles more or less until it intersects a line on a course produced north two miles from the north east angle of the Shawnee [Sombra] Township; then along the eastern boundary line of the said Township, twelve miles and a half more or less to the northern boundary line of the Township of Chatham; then east twenty-four miles more or less to the River Thames; then along the waters edge of the River Thames against the stream to the place of beginning, reserving a tract of land situate[d] on the northerly side of the River Thames nearly opposite to the northerly angle of the Township of Southwold and south west angle of the Del[a]ware Township containing 15,360 acres; also reserving two miles square distant about four miles above the rapids where the Indians have their improvements and nearly parallel to the Moravian Village containing 5,120 acres. (Morris 1943-24-25)*

It was agreed in the treaty that the British government would pay the Chippewa 600 pounds yearly for the use of the tract (Morris 1943: 25).

#### **4.5 Lambton County**

Lambton County remained a part of Kent County from 1796 to 1849. In 1834, the population was 1,728. Two years later, it had approximately doubled. By 1851, Lambton's population had grown to 10,815 and ten years later, it had increased to 24,885. Many of the settlers arrived from Great Britain, Ireland, and the eastern provinces, having been attracted to the area by cheap land, fertile soils and abundant natural resources (Lambton County 2010).

The most important of these was petroleum. In the 1850s, a method to effectively refine petroleum was discovered (Bott 2004:13). At the same time, significant discoveries of oil were made at Oil Springs and Petrolia. In 1854, the International Mining and Manufacturing Company, the world's first oil company, was founded in Lambton County (Oil Museum of Canada 2010).

The oil boom helped fuel the population spike seen in Lambton during the 1850s (Lambton County 2010). The oil industry created growth in the agricultural, service, railway and shipping industries as goods were transported to support the emerging 'black gold' rush (Lambton County 2010). Oil from Lambton was exported to as far away as Great Britain (Oil Museum of Canada 2010).

Since the mid-nineteenth century, Lambton has continued to grow. It is now home to approximately 128,000 inhabitants (Statistics Canada 2006).

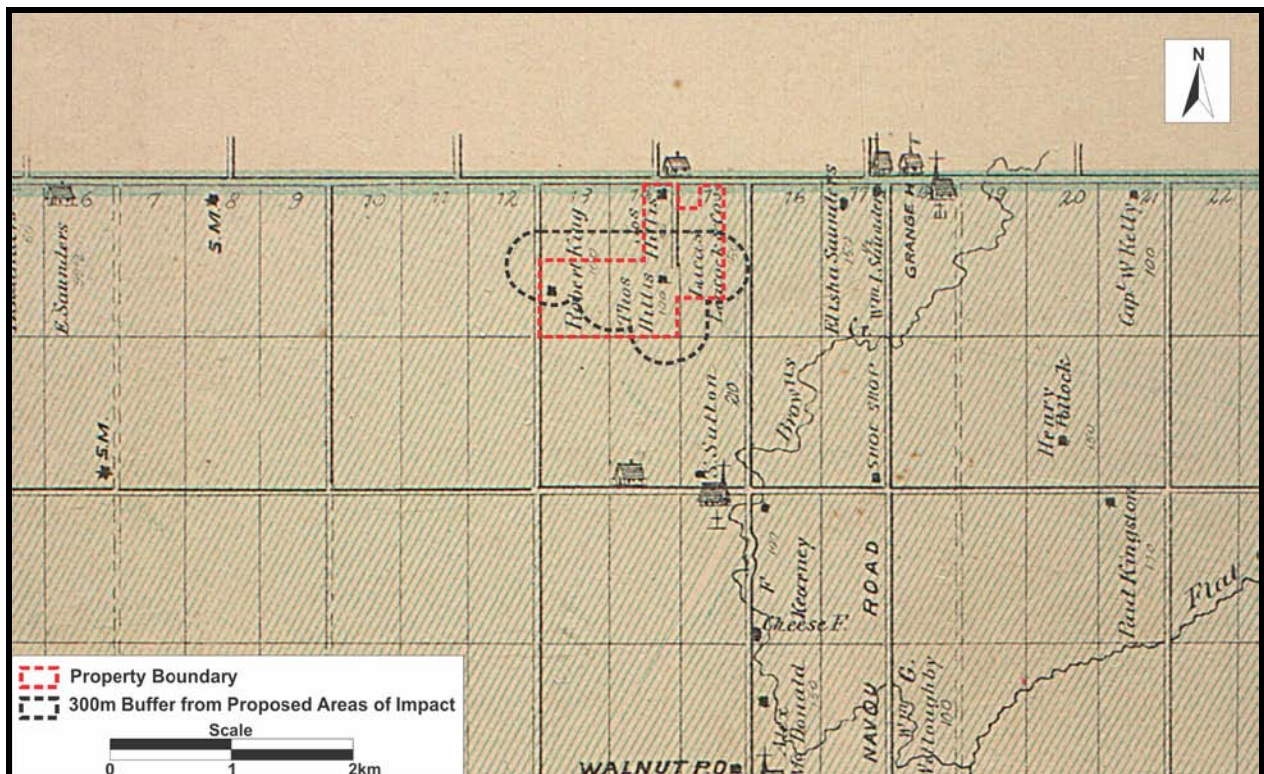
#### **4.6 Brooke Township**

The study area falls within the limits of the former township of Brooke (now Brooke-Alvinston) which was surveyed by Samuel Smith between 1832 and 1833 (Campbell 1936:7). Archibald

Gardner arrived in the township in 1835. He played an important role in the early development of the community. At the time, there was no flour mill in the area, so he dammed the Sydenham River and built a mill on its east bank known as Brooke's Mill. This was the first mill within 80 kms, but to get to it, one had to travel by foot because horses were scarce and oxen could not travel through the swamps and uncleared bush. After this, Gardner built a sawmill which provided settlers in the area with cut lumber to construct their houses.

In 1846, Gardner, his family, and many others left the area and joined Mormon leader Brigham Young, in Nauvoo, Illinois. As they left, they cleared a road, which is now known as Nauvoo Road (Highway 79). As a tribute to Gardner's role in the early history of the township, a mill stone was erected along Nauvoo Road. Gardner's flour mill was sold to the Branan family who expanded and improved it. At this time the population was 169. The mill continued to be used until 1874 (Campbell 1936:11,21; Township of Brooke-Alvinston 2008). In 1854, the local post office was named Alvinston; in honour of the village of Alverstone on the Isle of Wight.

The settlement of Brooke township was slow at first, but quickly increased with the construction of the railroad and the shipping possibilities (especially for grain) that it provided. The Sarnia Branch of the Great Western Railway and the St. Clair Branch of the Canada Southern Railway served the northern and southern halves of the township respectively (Belden 1880:14).



**Figure 8: Detail from Belden's Map of Brooke Township Showing the Study Area (1880)**

#### 4.7 The Village of Watford

The village of Watford is located just northeast of the study area and is the closest settlement to the project lands. Watford owes its existence to the construction of the Great Western Railway, which served as the driving force for settlement in the area. The first settler, George Brown, arrived in the Watford area in 1850. The railway was completed shortly after this and a flag station was added. The population of the village grew rapidly and by 1875 Watford was large enough to be incorporated. Watford was one of the most busy and prosperous of the railway towns. This is evident in its large manufacturing industry which included steam foundries, machine shops, steam cabinet factories, blacksmiths, a pump factory and a brick yard. It also had a large general business section which included general stores, tin and stove stores, book stores, drug stores, tailors, millineries, bakers, butchers, and barbers (Belden 1880:13).

#### 4.8 The Study Area

Historically, the study area was located on part Lots 14-15, Concession 13 and part Lots 12-15, Concession 14 (see Figure 7) of the Township of Brooke. The study area is located within the block of land bounded by historically-surveyed Old Walnut Road to the east and agricultural lands to the north, south, and west. Ebenezer Road traverses the study area towards the western boundary and Churchill Line lies approximately 400 m to the north, both of which are also historically-surveyed.

##### Lot 14, Concession 13

Samuel Smith's surveyor notes for Lot 14 indicate the presence of stands of elm in the northeast of the lot, maple, beech and elm in its centre, and maple and beech in its west (Smith 1832:52). No owner is listed in Belden's **Illustrated Atlas of the Dominion of Canada** (1880) for the property, though a structure is depicted at its southern end. This building is the school which operated between 1875 and 1887, according to land registry documents. The school is not within the boundaries of the study area. The land transactions for the property from the Crown patent in 1836 until 1984 are summarized in Table 1.

**Table 1: Land Summary Transactions for Lot 14 in the 13th Concession**

Date	Transaction	Grantor	Grantee	Acreage
11/24/1836	Grant	Crown	Rachel Adams	200
10/27/1837	B&S	Andrew & Rachel Adams	William Watson	200
05/29/1868	B&S	William Watson Sr.	William Watson Jr.	100 (W 1/2)
12/13/1871	Will	William Watson Sr.	Jane Watson	100 (E 1/2)
11/22/1875	Deed	William Watson Jr. & wife	Trustee School Sec S#5	1 (SW pt)
06/11/1887	B&S	Trustee School Sec S#5	William Watson Jr.	1 (SW pt)
09/20/1887	B&S	William Watson Jr. & wife	Jane Watson	100 (W 1/2)
12/23/1901	B&S	Jane Watson	Wallace Watson	200
12/20/1919	Grant	Wallace Watson & wife	James Kingston Kelly	100 (W 1/2) & pt of E 1/2
05/05/1945	Grant	James Kingston Kelly	Edward H. Lucas	100 (W 1/2)
06/19/1959	Grant	Wallace Watson	Wallace J.F. Watson	100 (E 1/2)

07/18/1968	Grant	Wallace J.F. Watson	Wm & Annabelle Watson	100 (E ½)
08/14/1970	Grant	William & Annabelle Watson	Martin Minten Jr.	100 (E ½)
04/25/1977	Deed	Execs of Edward H. Lucas	Ronald G. Van Damme	100 (W ½)
04/21/1984	Grant	Martin Minten Jr. & wife	Martin A. & Mary A. Minten	100 (E ½)

### Lot 15, Concession 13

Samuel Smith noted that Lot 15 had a slight slope from the northwest to the southeast, and mentions the presence of maple, beech trees along with a brook in the east portion of the lot. The west half of the lot was covered in stands of maple and beech (1832:52-53). The **Illustrated Atlas of the Dominion of Canada** (1880) listed the property as belonging to Samuel Sutton, an Irish farmer who owned the entire lot in addition to 10 acres of the adjacent lot to the south. Sutton's household is situated at the southern end of Lot 15, outside of the study area, and according to the 1881 census (at which point he was 63 years old) he lived with his wife Alice (63) and children William (29), Samuel (23), Robert (22), Albert C. (19) and Annie Davis (15) (Library and Archive Canada 2009a). By the time of the 1891 census, Samuel and his wife were still alive (both at 73 years of age) but his son Samuel and Annie Davis had moved away. Samuel's granddaughters Alice J. and Elizabeth Mains had come to live in the household by that time, as did Mary A. Doar, a 17 year old "general servant" (Library and Archive Canada 2009b). The land transactions for the property from the Crown patent in 1834 to 2006 are summarized in Table 2.

**Table 2: Land Summary Transactions for Lot 15 in the 13th Concession**

Date	Transaction	Grantor	Grantee	Acreage
11/13/1834	Grant	Crown	Thomas Rolph	200
04/27/1835	B&S	Thomas Rolph	John Simmon	200
05/01/1836	B&S	John Simmon	Samuel Sutton	200
09/11/1836	B&S	Samuel Sutton	Robert Davies	100 (E ½)
11/25/1855	B&S	Robert Davies	Samuel Sutton	100 (E ½)
11/19/1883	B&S	Samuel Sutton	Theophilus Oakes	50 (NE ¼)
11/02/1891	Deed	Corporation of Brooke	Autrobus C. Clarke	Rd bet. Lot 15 and 16
11/02/1891	B&S	Samuel Sutton & wife	William & Albert Sutton	150 (W ½ & SE ¼)
11/10/1891	B&S	Samuel Sutton & wife	Corporation of Brooke	19/10000
11/24/1919	Deed	William Sutton	Albert Sutton	150 (W ½ & SE ¼)
12/14/1922	Grant of L.T. Line	Albert E. Sutton	Hydro-Electric Power Commission	Pt (Low Tension Line)
03/12/1930	Will	Theophilus Oakes	Lulu M. E. Smith	50 (NE ¼)
04/14/1938	Sale	Albert E. Sutton	Silas S. Werden	150 (W ½ & SE ¼)
01/16/1953	Grant	Silas S. Werden & wife	Lloyd & Margaret E. Werden	100 (W ½)
05/11/1956	Grant	Lulu M. E. Smith	Gordon & Harold Sutton	50 (NE ¼)
02/28/1958	Grant	Silas S. Werden & wife	Lloyd & Margaret E. Werden	50 (SE ¼)
10/25/1968	Grant	Gordon Sutton & Harold Sutton	Joseph & Susan M. Gilbert	50 (NE ¼)
06/15/1977	Deed	Joseph & Susan M. Gilbert	John G. & Joan L. Bosch	50 (NE ¼)
06/30/1978	Deed	Lloyd E. & Margaret E. Werden	Neil D. Werden	50 (SE ¼)
01/31/1984	Grant	John G. Bosch & Joan L. Bosch	Kenneth & Bev Timmermans	50 (NE ¼)

05/01/1985	Grant	Lloyd E. & Margaret E. Werden	Martin A. & Mary A. Minten	100 (W ½)
02/22/1990	Transfer	Timmermans	Adrian Antonius Timmermans	50 (NE ¼)
06/01/1993	Transfer	Adrian Antonius Timmermans	Jeffery & Michelle Sanders	50 (SE ¼)
03/27/1998	Transfer	Neil Douglas Werden	Neil Werden & Diana Werden	50 (NE ¼)
03/06/2001	Transfer	Jeffery & Michelle Sanders	Pig Bay Pig Inc.	50 (NE ¼)
08/31/2006	Transfer	Pig Bay Pig Inc.	Scott Matthew James Leystra	50 (NE ¼)

### Lot 12, Concession 14

Original surveyor notes mention the presence of maple in Lot 12, but no other useful observations are documented (Smith 1832:16). No owners or structures are listed in Belden's **Illustrated Atlas of the Dominion of Canada** (1880) for the property. The land transactions for the property from the Crown patents in 1836 and 1839 to 2003 are summarized in Table 3.

**Table 3: Land Summary Transactions for Lot 12 in the 14th Concession**

Date	Transaction	Grantor	Grantee	Acreage
10/11/1836	Grant	Crown	Abraham Woodcock	S pt
10/03/1839	Grant	Crown	William Duesler Jr.	200 (N pt)
10/07/1839	B&S	William Duesler	James Larrett	200 (N pt)
12/07/1839	B&S	James Larrett	John Lucas	200 (N pt)
09/11/1847	B&S	Richard Woodcock	Richard Sazier	100 (S pt)
07/25/1856	B&S	Richard Sazier	James Acshew	S pt
11/23/1854	B&S	John Lucas	Thomas Saunders	N pt
05/11/1857	B&S	James Acshew	Michael Kennedy	S pt
12/24/1862	B&S	Patrick Madigaw	Walter Dickens	S pt
01/10/1863	B&S	Walter Dickens	Thomas Street	S pt
09/15/1865	B&S	Thomas Street	Michael Kennedy	S pt
04/05/1876	B&S	John Lucas	Robert Lucas	W pt
11/22/1879	B&S	Abraham Saunders	Robert Lucas	3 (SW pt)
01/27/1883	B&S	John Lucas	James Lucas	66 (S pt)
09/25/1887	B&S	John Lucas	James Lucas	S pt
04/09/1896	B&S	James Lucas	Thomas Lucas	66 (E pt)
10/12/1898	B&S	John Lucas	Robert Lucas	33 (W pt)
01/16/1899	Will	Michael Kennedy	Nancy Kennedy	S pt
10/02/1901	B&S	James Lucas	Thomas Lucas	N pt
10/03/1901	B&S	Thomas Lucas	Simon Edwards	64 (N pt)
08/17/1905	B&S	James Lucas	Lachlan McNeil	E pt
02/08/1908	B&S	Lachlan McNeil	Freeman McKenny	W pt
04/22/1908	Deed	Robert Lucas	David Lucas	33 (W pt)
11/12/1909	B&S	Freeman McKenny	Archie Wiley	W 1/3 and E ½
10/17/1914	Grant	Agnes Cowan	Thomas Lucas	40 (S pt)
04/04/1917	Grant	Thomas Lucas	Ernest Lucas	S pt
03/17/1944	Grant	Charles Edwards	James Moffatt	E ½
04/25/1949	Grant	David Lucas	Veterans Land Act	Parts
12/17/1954	Grant	John Moffatt	Lloyd Moffatt	E ½
11/14/1978	Deed	Veterans Land Act	Anna Patterson	NW pt
10/30/1986	Grant	Anna Marie Sifton	Kenneth Fisher	Parts
04/17/2003	Transfer	Marie Moffatt	Lyle Moffatt	E ½

Lot 13, Concession 14

Surveyor notes for Lot 13 indicate the presence of maple, a brook flowing northwards, and two forks of the brook in the southeast and southwest (Smith 1832:16). Robert King is listed in Belden's **Illustrated Atlas of the Dominion of Canada** (1880) as one owner of Lot 13, Concession 14, and an associated structure/household is clearly situated within the study area. Robert, a farmer originally from England, owned 100 acres of the lot. According to census data from 1881 (at which time he was 67 years old), he lived with his wife Sarah King (35) and their children Elizabeth King (14), Robert W. King (12), Thomas King (10), John W. King (7), Mary S. King (7) and George King (2) (Library and Archive Canada 2009a). Robert W. King became head of the household by the time of the 1891 census, living with his mother and siblings (Library and Archive Canada 2009b). The land transactions for the property from the Crown patent in 1836 and 1839 to 2002 are summarized in Table 4.

**Table 4: Land Summary Transactions for Lot 13 in the 14th Concession**

Date	Transaction	Grantor	Grantee	Acreage
10/11/1836	Grant	Crown	Abraham Woodcock	200 (S pt)
10/03/1839	Grant	Crown	Andrew Deusler	200 (N pt)
02/05/1839	B&S	Abraham Woodcock	Patrick Madegaw	S pt
10/09/1839	B&S	Andrew Deusler	James Larrett	200 (N pt)
12/24/1842	B&S	Patrick Madegaw	Walter H. Dickson	S pt
01/10/1844	B&S	Walter H. Dickson	Thomas C. Street	S pt
09/15/1845	B&S	Thomas C. Street	Abraham Lee	50 (S pt)
09/11/1847	B&S	Richard Woodcock	Richard Sazier	100 (S pt)
09/10/1849	B&S	James Larrett	Elizabeth King	S ½ of N pt
07/25/1856	B&S	Richard Sazier	James Acshew	S pt
11/04/1856	B&S	James Acshew	Abraham See	50 (S pt)
06/19/1856	B&S	James Sarrett	Thomas Hayes	1 (NW corner)
01/01/1858	B&S	Elizabeth King	Robert King	100 (S pt)
08/16/1865	B&S	Thomas Hayes	Jane Saunders	1 (NW corner)
03/30/1867	B&S	James Larrett	George Wright	N pt
09/29/1868	B&S	George Wright & wife	James McClure	100 (N ½)
12/05/1871	Sale	Jane Saunders	James McClure	1 (NW corner)
11/28/1883	B&S	James McClure	William McClure	All
12/10/1883	Grant	William McClure	Robert King	100 (S ½)
11/27/1886	B&S	William McClure	James McClure	100 (N ½)
11/19/1896	B&S	Maria Lee	Alexander Kennedy	40 (S pt)
1/28/1897	Grant	Alexander Kennedy	Thomas Kennedy	40 (S pt)
4/02/1898	B&S	Edward King	Nancy King	50 (S ¼)
3/06/1906	B&S	Lachlan McNeil	John Wooley	100 (N pt)
3/16/1907	B&S	Will of Robert King	Walter Annett	100 (S pt)
10/27/1910	Grant	John Wooley	William Temple	100 (N pt)
2/12/1912	Grant	William Temple	Frederick Perry	100 (N ½)
3/17/1913	Grant	Frederick Perry	Archibald Brown	100 (N ½)
4/19/1913	Grant	Archibald Brown	Hugh Scott	100 (N pt)
4/19/1913	Grant	Hugh Scott	Wilfred Sumner	100 (N pt)
5/01/1920	Grant	Wilfred Sumner	Elmer Moffatt	100 (N pt)
1/22/1925	Grant	Alexander Kennedy	Ernest Lucas	40 (S pt)
2/01/1930	Will	Walter Annett	Calvin Annett	S ½
10/04/1937	Grant	Calvin Annett	Leonard Annett	S ½
5/15/1959	Grant	Leonard Annett	Cecil Lane	100 (S pt)

5/21/1959	Grant	Calvin Annett	Leonard Annett	100 (S pt)
12/18/1959	Grant	Olive Moffatt	James Moffatt	N ½
11/19/1971	Grant	Ernest Lucas	Norman Wilson	S pt
7/21/1977	Deed	Cecil Lane	Martin Minten	All
12/30/2002	Transfer	Martin Minten	Minten Family Farms	All

#### Lot 14, Concession 14

Samuel Smith noted the presence of maple and ash during his initial survey of Lot 14, but otherwise provided little information (1832:16). Thomas and Joseph Hillis are listed as the owners of this property in Belden's **Illustrated Atlas of the Dominion of Canada** (1880). Two structures appear on the 1880 map, one in the southern part of the lot within the study area (belonging to Thomas Hillis) and the other outside of the study area to the north (belonging to Joseph Hillis). Thomas, an Irish-born farmer (b. 1837), settled in the township ca. 1848 and owned 100 acres of Lot 14, Concession 14. According to the 1881 census Thomas (aged 45) was married to Jane Hillis (35); together they had six children named John (7), Robert (6), William (5), Martha J. (3), Ruth (2) and James (4 months) (Library and Archive Canada 2009a). By 1891 his family grew with the additions of Ann (9), Mary (7), Sarah A. (4) and Alexander (3) (Library and Archive Canada 2009b). The land transactions for the property from the Crown patent in 1836 to 1991 are summarized in Table 5.

**Table 5: Land Summary Transactions for Lot 14 in the 14th Concession**

Date	Transaction	Grantor	Grantee	Acreage
12/13/1836	Grant	Crown	Helen Eliza Berrie	200 (N pt)
10/13/1837	Deed	Robert and Helen Berrie	Edward and Mary Haycock	200 (N pt)
05/05/1840	B&S	Edward Haycock & wife	James Ingersoll	200 (N pt)
02/20/1843	B&S	James Ingersoll	Peter McGill	N pt
-	Default	Peter McGill	James McCutchon	N pt
10/31/1853	B&S	James McCutchon	James Stilles	100 (N ½ of N pt)
05/01/1855	B&S	James McCutchon	John Williams	100 (S ½)
05/07/1863	Grant	Crown	William Acton	S pt
04/16/1874	B&S	John Higgins	Thomas Higgins	100 (S ½)
05/06/1895	B&S	William Acton	James Acton	S ½
11/07/1908	B&S	Thomas Higgins	Robert Higgins	100 (S ½)
09/16/1923	Will	James Acton	Bertha Acton	S pt
12/13/1930	Grant	Thomas Higgins	Thomas Higgins	W ½
10/09/1936	Grant	Thomas Higgins	Gilbert Lucas	W ½
03/07/1945	Grant	Gilbert Lucas	Sybil Misselbrook	W ½
04/14/1951	Grant	Sybil Misselbrook	Merwin Patterson	W ½
02/07/1991	Transfer	Dale Thorne	D & M Thorne Farms	E ½

#### Lot 15, Concession 14

Lot 15 appears to have contained primarily maple, elm, ash and hickory at the time of the initial survey, according to the original surveyor notes (Smith 1832:16). Lucas Leacock & Co. is listed as owning 50 acres of Lot 15, Concession 14 in Belden's **Illustrated Atlas of the Dominion of Canada** (1880). No structures are depicted on the property, however. At the time of the 1881 census, the Irish farmer John Leacock (68) and his wife Mariah (66) had a household in the

vicinity, living with their children George (30), Edwin (25), Robert (23), David (20) as well as Ida Stockton (14) and Frederick Houst (10 months) (Library and Archive Canada 2009a). The land transactions for the property from the Crown patent in 1835 to 2006 are summarized in Table 6.

**Table 6: Land Summary Transactions for Lot 15 in the 14th Concession**

Date	Transaction	Grantor	Grantee	Acreage
08/14/1835	Grant	Crown	Jeremiah Mallory	200 (N pt)
05/07/1863	Deed	Crown	William Acton	S pt
11/04/1855	B&S	Allan McNab	Thomas M. Jones	200 (N pt)
01/10/1838	B&S	Thomas M. Jones	Thomas Graham	-
10/22/1835	B&S	Jeremiah Mallory	Henry Howard	200 (N pt)
10/27/1835	Clause	Henry Howard	Allan Mackal	200 (N pt)
08/01/1870	Deed	Richard Clapham	John Leacock	200 (N pt)
08/25/1874	B&S	John Leacock	Harvey J. Leacock	50 (NE pt)
03/07/1881	B&S	Harvey J. Leacock & wife	Alpin McGregor	50 (NE pt)
05/27/1887	B&S	John Leacock	David A. Leacock	50 (??)
05/06/1895	B&S	William Acton	James Acton	S pt
08/29/1898	Will	John Leacock	David Leacock & Maria Leacock	W 2/3 N 150 a & 50 (S pt)
04/08/1899	B&S	Maria Leacock	David Leacock	200 (N pt)
05/23/1899	B&S	Alpine McGregor	James Acton	50 (NE pt)
09/16/1923	Will	James Acton	Bertha Acton	
11/19/1930	Convey'ce	Indust'l Mort & Trust Co.	Lillian M. Wilson	S pt. 14 & 15 & N1/2 E1/2
03/09/1940	Grant	David Leacock	Norman R. Wilson	S (50 a) N (200 a)
05/23/1941	Grant	David Leacock	Norman R. Wilson	W 2/3 N 150 a
04/10/1945	Grant	Ind'l Mort. & Trust Co.	James Kelly	N ½ & E ½ of 200 (N pt)
05/07/1946	Grant	Norman Wilson	Director, Veteran's Land Act	W 2/3 of 150 (N pt)
12/14/1946	Grant	Norman Wilson	Ross Hume	50 (S pt) 200 (N pt)
01/28/1957	Grant	Nora Kelly & Nina Kelly	Robert & Thomas Lucas	N ½ & E ½ of 200 (N pt)
07/09/1962	Grant	Director, Veteran's Land Act	Robert Wood	W 2/3 of 150 (N pt)
06/15/1962	Grant	Robert Wood	Cornelius Klaver	W 2/3 of 150 (N pt)
10/19/1966	Grant	Cornelius Klaver	Ross & Norma Rilett	W 2/3 of 150 (N pt)
04/06/1970	Grant	Anna MacDonald	Roy & Marjorie Lloyd	S pt
05/05/1973	Grant	Thomas & Robert Lucas	Leonardus & Maria Migchels	E 1/3 of N ¾
10/21/1976	Deed	Ross & Norma Rilett	Albert & Diana Boulter	W 2/3 of 150 (N pt)
07/31/1978	Deed	Albert & Diana Boulter	Ronald & Karen Toy	W 2/3 of 150 (N pt)
08/23/1979	Deed	Ronald & Karen Toy	Joseph & Elizabeth Thuss	W 2/3 of 150 (N pt)
10/30/1981	Grant	Ross Hume	Ross & Laura Hume	50 (N pt)
04/02/1984	Grant	Joseph & Elizabeth Thuss	Murray & Maxine Watson	W 2/3 of 150 (N pt)
06/14/1988	Grant	Leonardus & Maria Migchels	Carl & Catherine Migchels	E 1/3 of N ¾
01/31/1989	Transfer	Elton & Elsie Saunders	Jeff & Gale Edwards	Part 1
02/07/1991	Transfer	Dale Thorne	D & M Thorne Farms Ltd.	Part 1
03/31/2006	Transfer	D & M Thorne Farms Ltd.	Minten Family Farms Ltd.	Part 1
12/01/2006	Transfer	Jeff & Gale Edwards	Daniel & Sandra Wilcox	Part 1

Not far from the study area, it is worth noting that the farm on Lot 9, Concession 14 was owned by Thomas Saunders. His family founded the Saunders Cemetery, Brooke Township's oldest cemetery (Campbell 1936:14).

## 5.0 Identification of Heritage Resources

### 5.1 Built Heritage Inventory

Lambton County’s Planning and Development Department was consulted to obtain information on any identified (inventoried or designated) cultural heritage resources in the study area as well as to gather any input the Municipality might have to offer. No resources were identified and no concerns were voiced. At this time the Township of Brooke-Alvinston does not have a functioning Municipal Heritage Committee, LACAC or any other heritage advisory group from which to request input.

In August of 2010, a windshield survey of the study area was conducted. In the course of the survey, a total of 17 properties, each located on or in close proximity to the proposed turbine locations were examined for features with cultural heritage value or interest (CHVI). Of these 17 properties, nine were identified as possessing potential cultural heritage value. Forms showing the location, description and a photograph of each identified feature are presented in the following pages. If a property was judged to be of cultural heritage value, it was documented and evaluated against the criteria outlined by the *Ontario Heritage Act* in Ontario Regulation 9/06 (see Appendix B).

In the course of the survey, no Protected Properties, as defined under Section 19 of Ontario Regulation 359/09, were noted (see Appendix A). However, some properties were noted to have heritage aspects that might meet the definition of features of Cultural Heritage Value or Interest (CHVI). These features might, in the opinion of the ARA, qualify the sites for inclusion on a Municipal Heritage Register but would probably not qualify any of the sites for designation under the *Ontario Heritage Act*. It is worth noting, however, that none of the features lie within the limits of the project area for the proposed wind farm.

Table 7 below summarizes the identified built resources near the study area, and indicates which properties have heritage value. Map ID numbers in the table correspond to feature locations depicted in Figure 8.

**Table 7: Stantec – Brooke-Alvinston Wind Farm Built Heritage Inventory**

Map ID Number	Address	Value
1	7833 Churchill Line	Queen Anne style farmhouse
2	7794 Churchill Line	Edwardian style farmhouse
3	7623 Churchill Line	Vernacular style farmhouse
4	7618 Churchill Line	Limited heritage value
5	5040 Underpass Road	Gothic style farmhouse
6	7525 Churchill Line	Limited heritage value
7	4803 Ebenezer Road	Vernacular style farmhouse
8	4753 Ebenezer Road	Limited heritage value
9	4719 Ebenezer Road	Limited heritage value

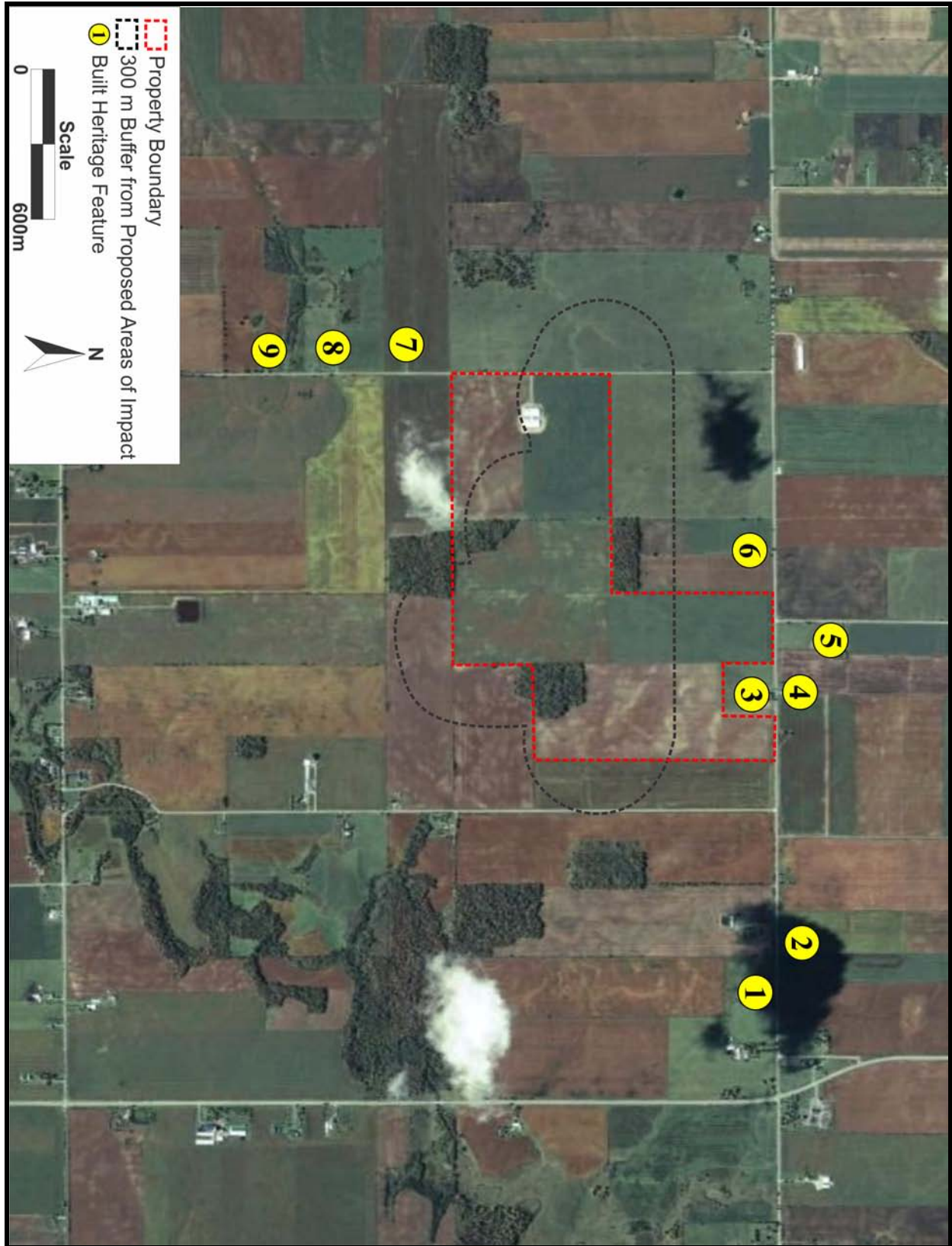



Figure 9: Built Heritage Features near the Study Area


**Identification Number: 1**  
**Identification of Resource**

<b>Property Name</b>	n/a		
<b>Street Address</b>	7833 Churchill Line		
<b>Recognition (e.g. Designated or Listed)</b>	n/a		
<b>Community</b>	n/a		
<b>Municipality</b>	Brooke-Alvinston		
<b>Regional Municipality</b>	Lambton County		
<b>Construction Date</b>	Late 1890s		
<b>Building Type</b>	Residential		
<b>Cultural Heritage Value</b>	Queen Anne style farmhouse		
<b>Heritage Impact of Wind Farm</b>	No impact		
<b>Photo</b>	 <p>Photo: August 24, 2010</p>		

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	√	Good example of a Queen Anne style farmhouse.
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 2**  
**Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	7794 Churchill Line	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1900	
<b>Building Type</b>	Residence & Farm	
<b>Cultural Heritage Value</b>	Edwardian style farmhouse	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 24, 2010</p>	

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	√	Good example of an Edwardian style farmhouse.
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 3**  
**Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	7623 Churchill Line	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1880s	
<b>Building Type</b>	Residence & Farm	
<b>Cultural Heritage Value</b>	Vernacular style farmhouse	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>		 <p>Photo: August 24, 2010</p>

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	√	Good example of a vernacular style farmhouse.
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		

**Identification Number: 4**  
**Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	7618 Churchill Line	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1950	
<b>Building Type</b>	Residential	
<b>Cultural Heritage Value</b>	Limited value	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 25, 2010</p>	

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 5**  
**Identification of Resource**

<b>Property Name</b>	Van Den Ouweland Farms	
<b>Street Address</b>	5040 Underpass Road	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1880s	
<b>Building Type</b>	Residence & Farm	
<b>Cultural Heritage Value</b>	Gothic style farmhouse	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 24, 2010</p>	

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	√	Good example of a Gothic style farmhouse.
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community	√	
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 6**  
**Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	7525 Churchill Line	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1960	
<b>Building Type</b>	Farm	
<b>Cultural Heritage Value</b>	Limited value	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 24, 2010</p>	

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 7**  
**Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	4803 Ebenezer Road	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1880s	
<b>Building Type</b>	Residence & Farm	
<b>Cultural Heritage Value</b>	Vernacular style farmhouse	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 24, 2010</p>	

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	√	Good example of a vernacular style farmhouse.
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		


**Identification Number: 8**  
**Identification of Resource**

<b>Property Name</b>	n/a
<b>Street Address</b>	4753 Ebenezer Road
<b>Recognition (e.g. Designated or Listed)</b>	n/a
<b>Community</b>	n/a
<b>Municipality</b>	Brooke-Alvinston
<b>Regional Municipality</b>	Lambton County
<b>Construction Date</b>	c. 1960
<b>Building Type</b>	Residence & Farm
<b>Cultural Heritage Value</b>	Limited value
<b>Heritage Impact of Wind Farm</b>	No impact
<b>Photo</b>	 <p>Photo: August 24, 2010</p>

**Evaluation of Cultural Heritage Value**

Criteria	No.	Description	√	Cultural Heritage Value
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		

**Identification Number: 9****Identification of Resource**

<b>Property Name</b>	n/a	
<b>Street Address</b>	4719 Ebenezer Road	
<b>Recognition (e.g. Designated or Listed)</b>	n/a	
<b>Community</b>	n/a	
<b>Municipality</b>	Brooke-Alvinston	
<b>Regional Municipality</b>	Lambton County	
<b>Construction Date</b>	c. 1950	
<b>Building Type</b>	Residence & Farm	
<b>Cultural Heritage Value</b>	Limited value	
<b>Heritage Impact of Wind Farm</b>	No impact	
<b>Photo</b>	 <p>Photo: August 24, 2010</p>	

**Evaluation of Cultural Heritage Value**

<b>Criteria</b>	<b>No.</b>	<b>Description</b>	<b>√</b>	<b>Cultural Heritage Value</b>
<b>A. Design or Physical Value</b>	1	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		
	2	Displays a high degree of craftsmanship or artistic value		
	3	Displays a high degree of technical or scientific achievement		
<b>B. Historical or Associative Value</b>	1	Has direct associations with a theme, event, belief person, activity, organization or institution that is significant to a community		
	2	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	3	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
<b>C. Contextual Value</b>	1	Is important in defining, maintaining or supporting the character of an area		
	2	Is physically, functionally, visually or historically linked to its surroundings		
	3	Is a landmark		

## 5.2 Cultural Heritage Landscapes

The Provincial Policy Statement (PPS, 2005) issued under Part 3 of the Ontario Planning Act requires that significant Cultural Heritage Landscapes (CHL) be conserved. A CHL is defined by the PPS as,

*“A defined geographical area of heritage significance which has been modified by human activities and is valued by community. A landscape involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.”*

The Cultural Heritage Landscape evaluation process developed for the Regional Municipality of Waterloo is based on current practice standards. It is similar to the procedure used by the Ontario Realty Corporation, the Ontario Ministry of Tourism and Culture, the City of London and the Town of Caledon. All of these have in turn adopted CHL identification methods that are essentially modifications of the seminal model developed and adopted by the U.S. National Parks Service (Scheinman 2006:10).

The US National Parks Service model can be found in its entirety in *National Register Bulletin #30 “Guidelines for Evaluating and Documenting Rural Historic Landscapes* (McClelland, Keller, Keller & Melnick 1999). The checklist offers criteria specifically for CHLs and allows greater specificity in studying landscapes.

The Waterloo CHL Framework is explained, and applied to the study area, in Table 8 below.

**Table 8: Evaluation of the Stantec – Brooke-Alvinston Study Area  
as a Cultural Heritage Landscape**

<b>Characteristic</b>	<b>Value</b>
A. Is associated with events that made significant contributions to the broad patterns of history (at any level - local, regional, national, etc.) i.e., strong association with central themes; or,	There are no known specific events of significance associated with this area.
B. Is closely associated with the lives of individuals and/or families who are considered significant to the history of the area; or,	There is no known individual or family who is significant to the area.
C. Embodies the distinctive characteristics of a particular settlement pattern or lifeway whether derived from ethnic background, imposed by the landscape, was the practice of a specific historic period or a combination of the above; or,	The area does not embody distinctive characteristics or settlement pattern or lifeway derived from an ethnic background.
D. Manifests a particularly close and harmonious long-standing relationship between the natural and domestic landscape; or,	The location does not manifest a particularly close and harmonious long-standing relationship between the natural and domestic landscape.
E. Has yielded or is likely to yield information important to prehistory or history; or,	There is no known ability for the area to yield information important to history.
F. Is strongly associated with the cultural and/or spiritual traditions of First Nations or any other ethnic and/or religious group.	There is no known relation to First Nations or any other ethnic and/or religious group.

In sum, an assessment of the Zephyr Farms Ltd. study area using standard CHL evaluation criteria suggests that the location does not meet the requirements for a significant Cultural Heritage Landscape.

## 6.0 Conclusions and Recommendations

The heritage resource assessment of the study area for the proposed Zephyr Farms Ltd. – Brooke-Alvinston Wind Farm is now complete. There are a number of conclusions that can be drawn from the study. Specifically:

- 1) There are no protected properties in the study area (as defined in Section 19 of Ontario Regulation 359/09).
- 2) None of the built heritage features near the study area have sufficient Cultural Heritage Value or Interest (CHVI) to merit designation under the *Ontario Heritage Act*. However, some of the properties may be worthy of inclusion on a Municipal Heritage Inventory, should it be created.
- 3) The local landscape in the project area does not meet the criteria necessary to be considered a significant Cultural heritage Landscape (CHL) (see Table 8).

Given the lack of heritage features with CHVI in the study area, it is not necessary to analyze project impacts to them. Accordingly, it is recommended that the project be released from further heritage concerns.

Archaeological Research Associates Ltd. (ARA) has prepared this report according to the information provided by Stantec Consulting Ltd. concerning site location, design planning, project objectives and proposed developments. The conclusions and recommendations presented in this report are intended as guidance for the design of this project only, and the results do not apply to any other projects or study areas in the vicinity. ARA guarantees that this report has been prepared with care and is intended to meet or exceed the level of quality and comprehensiveness associated with current Heritage Resource Assessments in southern Ontario. No other warranty can be applied to or inferred from this work.

The data and recommendations presented in this report have been compiled for the sole benefit of Stantec Consulting Ltd. and Zephyr Farms Ltd., and no other group may make use of any portion of said content without express written consent from ARA. Stantec Consulting Ltd. may, at any time, request written consent from ARA to allow this report to be used by a third party, such as a regulatory agency associated with related permit applications or processes of permit review. Other use of this report is prohibited, and ARA claims its contents as the intellectual product of its professional services. This product remains the copyright property of ARA, who authorizes only Stantec Consulting Ltd. and permitted third parties to replicate the contents in hard copy or digital format, provided such copies are reasonable in quantity and do not make any portion of the content available to non-authorized users. All clients must acknowledge that digital media is vulnerable to modification, corruption and general incompatibility, and therefore Stantec Consulting Ltd. is advised not to rely fully on electronic versions of this report.

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## Appendix A The Heritage Provisions of Ontario Regulation 359/09

### PROTECTED PROPERTIES, ARCHAEOLOGICAL AND HERITAGE RESOURCES

#### Protected properties

19. (1) A person who proposes to engage in a renewable energy project shall determine whether the project location is on a property described in Column 1 of the Table to this section.

(2) If the project location is on a property described in Column 1 of the Table to this section, a person mentioned in subsection (1) shall submit, as part of the application for the issue of a renewable energy approval, a copy of the written authorization,

- (a) of the person or body set out opposite the description in Column 2 of the Table; and
- (b) of the type set out opposite the description in Column 3 of the Table.

TABLE

Item	Column 1	Column 2	Column 3
	Description of property.	Person or body whose authorization is required.	Type of authorization required to be submitted.
1.	A property that is the subject of an agreement, covenant or easement entered into under clause 10 (1) (b) of the <i>Ontario Heritage Act</i> .	Ontario Heritage Trust.	Authorization to undertake any activities related to the renewable energy project that require the approval of the Ontario Heritage Trust pursuant to the easement or covenant.
2.	A property in respect of which a notice of intention to designate the property to be of cultural heritage value or interest has been given in accordance with section 29 of the <i>Ontario Heritage Act</i> .	Municipality that gave the notice.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
3.	A property designated by a municipal by-law made under section 29 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest.	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
4.	A property designated by order of the Minister of Culture made under section 34.5 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest of provincial significance.	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
5.	A property in respect of which a notice of intention to designate the property as property of cultural heritage value or interest of provincial significance has been given in accordance with section 34.6 of the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
6.	A property that is the subject of an easement or a covenant entered into under section 37 of the <i>Ontario Heritage Act</i> .	Municipality that entered into the easement or covenant.	Authorization to undertake any activities related to the renewable energy project that require the approval of the municipality that entered into the easement or covenant.
7.	A property that is part of an area designated by a municipal by-law made under section 41 of	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the erection, demolition or removal of a building or structure on the property is proposed, a

	the <i>Ontario Heritage Act</i> as a heritage conservation district.		permit to alter the property or to erect, demolish or remove a building or structure on the property.
8.	A property designated as a historic site under Regulation 880 of the Revised Regulations of Ontario, 1990 (Historic Sites) made under the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the excavation or alteration of the property of historical significance is proposed, a permit to excavate or alter the property.

### Consideration of archaeological and heritage resources

**20.** (1) A person who proposes to engage in a renewable energy project shall consider whether engaging in the project may have an impact on any of the following:

1. An archaeological resource at the project location.
2. A heritage resource at the project location, other than at a part of the project location that is on a property described in Column 1 of the Table to section 19.
3. A property described in Column 1 of the Table to section 19 that abuts the parcel of land on which the project location is situated.

(2) If, as a result of the consideration under subsection (1), the person mentioned in subsection (1) concludes that there is no possibility of impact on a resource or a property described in paragraph 1, 2 or 3 of subsection (1), the person shall submit, as part of an application for the issue of a renewable energy approval, a written summary of the matters addressed in the consideration of the resource or property.

(3) This section does not apply to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility.

### Consideration of archaeological resources

**21.** (1) This section applies to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility.

(2) A person mentioned in subsection (1) shall,

- (a) contact the Ministry of Culture to determine whether the project location is,
  - (i) within 250 metres of an archaeological resource that is set out by that Ministry in records it maintains, or

- (ii) on property designated as a an archaeological site under Regulation 875 of the Revised Regulations of Ontario, 1990 (Archaeological Sites) made under the *Ontario Heritage Act*; and
- (b) contact the clerk of each local municipality and upper-tier municipality in which the project location is situated to determine whether the project location is in an area that has been identified on a municipal archaeological plan.

### **Archaeological assessment**

- 22.** (1) This section applies to a person if,
- (a) as a result of the consideration mentioned in subsection 20 (1), the person concludes that engaging in the renewable energy project may have an impact on an archaeological resource described in paragraph 1 of subsection 20 (1); or
  - (b) the person concludes, after complying with section 21, that the project location is situated as described in subclause 21 (2) (a) (i) or (ii) or clause 21 (2) (b).
- (2) A person to whom this section applies shall ensure that,
- (a) an archaeological assessment is conducted by a consultant archaeologist; and
  - (b) an archaeological assessment report is prepared by the consultant archaeologist mentioned in clause (a) and submitted to the Ministry of Culture.
- (3) As part of an application for the issue of a renewable energy approval, a person to whom this section applies shall submit,
- (a) written comments provided by the Ministry of Culture in respect of the archaeological assessment conducted under clause (2) (a);
  - (b) the archaeological assessment report prepared under clause (2) (b); and
  - (c) if the project location is on property described in subclause 21 (2) (a) (ii), a copy of the permit issued by the Minister of Culture to excavate or alter the property or to remove an artifact from that property, as the case may be.
- (4) In this section, a reference to a consultant archaeologist is a reference to a consultant archaeologist within the meaning of Ontario Regulation 8/06 (Licences under Part VI of the Act — Excluding Marine Archaeological Sites) made under the *Ontario Heritage Act*.

### **Heritage assessment**

- 23.** (1) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a heritage resource described in paragraph 2 of subsection 20 (1), the person shall,
- (a) conduct a heritage assessment consisting of,
    - (i) an evaluation of whether there are any heritage resources at the project location, applying the criteria set out in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the *Ontario Heritage Act*, and
    - (ii) if any heritage resources are identified as a result of the evaluation under subclause (i), an evaluation of any impact of the renewable energy project on

the heritage resources and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;

- (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
- (c) submit the report prepared under clause (b) to the Ministry of Culture.

(2) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a property mentioned in paragraph 3 of subsection 20 (1), the person shall,

- (a) conduct a heritage assessment consisting of an evaluation of any impact of the renewable energy project on the property and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;
- (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
- (c) submit the report prepared under clause (b) to the Ministry of Culture.

(3) As part of an application for the issue of a renewable energy approval, a person mentioned in subsection (1) shall submit,

- (a) written comments provided by the Ministry of Culture in respect of any heritage assessment conducted under this section; and
- (b) any heritage assessment reports prepared under this section.

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**Appendix B**  
**Ontario Regulation 9/06**  
**Criteria for Determining Cultural Heritage Value or Interest**

Criteria

**1. (1)** The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

**(2)** A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

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,
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.
  
2. The property has historical value or associative value because it,
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
  
3. The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

**2.** This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.