



## MANAGEMENT REPORT

**Date:** December 16, 2024  
**To:** Mayor and Council  
**From:** Heritage Stratford  
**Report Number:** COU24-159  
**Attachments:** None

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**Title:** Intent to Designate 15 Huron Street (The Shakespearean Gardens) under Part IV, Section 29 of the Ontario Heritage Act

**Objective:** To provide a recommendation from Heritage Stratford regarding the proposed intent to designate 15 Huron Street, known as The Shakespearean Gardens, under Part IV, Section 29 of the Ontario Heritage Act.

**Background:** On March 12, 2024 Heritage Stratford resolved the following:

THAT Heritage Stratford request that Stratford City Council issue a notice of intention to designate The Shakespearean Gardens property, 15 Huron Street, Stratford ON under Part IV, Section 29 of the Ontario Heritage Act, specifically the;

- a) Dufton Chimney Tower and features; including the top structure with weathervane
- b) Original stone walls throughout the garden design
- c) Huron Street lychgate
- d) Knot Garden
- e) Herb Garden
- f) Rose Garden
- g) Perennial Border Garden
- h) Walkway lamp lighting
- i) Sundial within the confines of the Garden

j) Bust of William Shakespeare

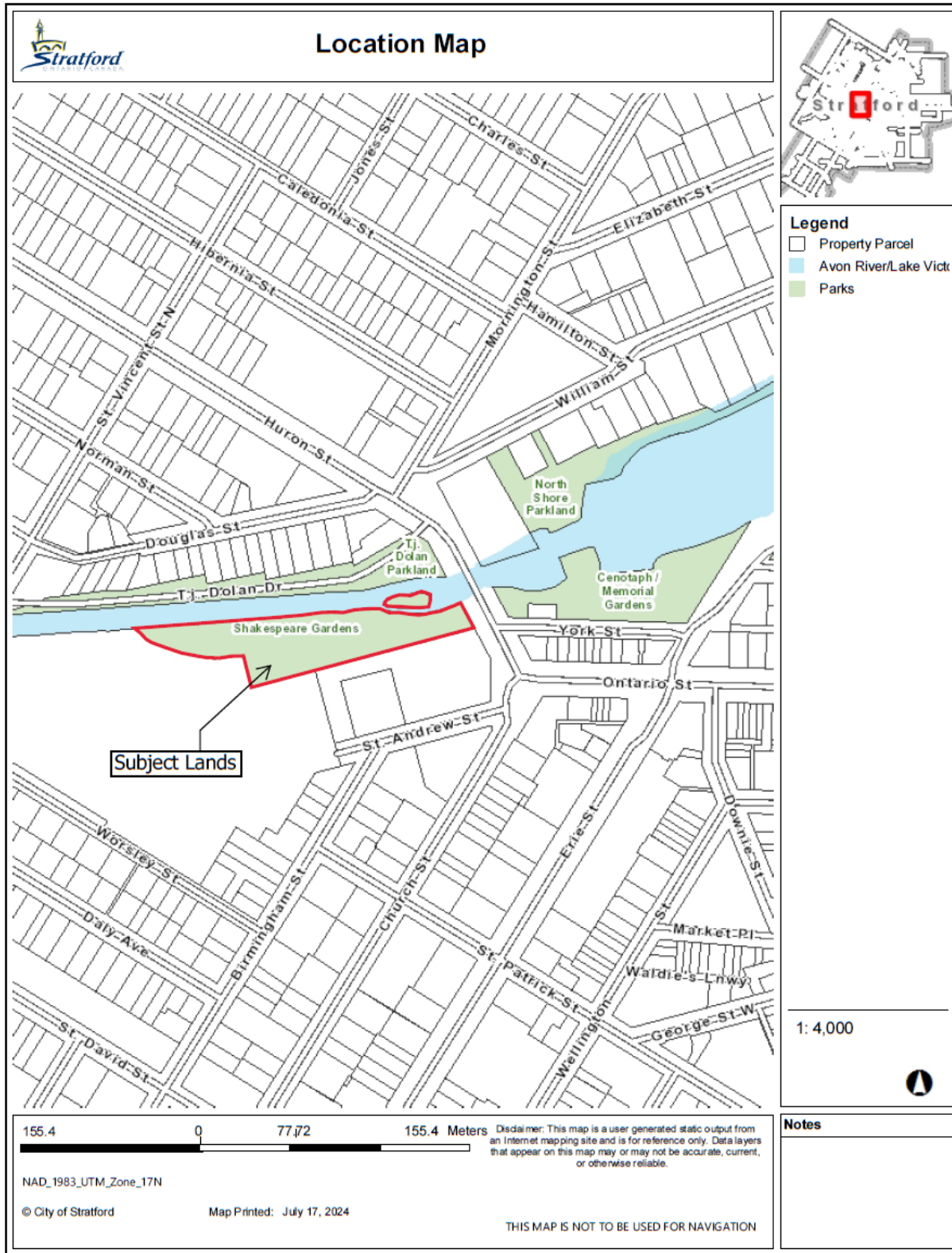
The designation request was initiated by the Friends of the Shakespearean Gardens, an organization comprised of Stratford citizens and community advocates who strive to bring recognition to and enhance the Shakespearean Gardens for future generations. Discussions between City Planning Staff, members of Heritage Stratford, and the *Friends of the Shakespearean Gardens* took place throughout 2023, and a formal application was officially received on December 18, 2023.

At the March 4, 2024, Board of Parks Management meeting, Planning Staff and the *Friends of the Shakespearean Gardens* presented to the City of Stratford's Parks Board and received support to pursue designation of the property.

Location

The subject lands are located on the west side of Huron Street, south of the Avon River and north of the Perth County Courthouse. The lands are known municipally as 15 Huron Street and are legally described as Plan 20 Part Block K Part Lot 581-584, Part Block Q, Concession 1 Part Lot 1 (Geographic Township of Downie), subject to easement, in the City of Stratford.

Location Map – 15 Huron Street



## Property History

The subject lands known municipally as 15 Huron Street were previously owned by the Dufton family and the Dufton Woollen Mill operated on the site from the 1870's to the 1920's. In 1922, a fire burned down the mill and destroyed all buildings on the property except for the Dufton Chimney.

During the prior decades, concern about the need for more greenspaces in downtown Stratford grew, and as a result, in 1904, the City's Parks Board was created. After buy-in from City Council and community leaders, land began to be purchased by the City to be converted into parks. As one of these community leaders, Thomas (RT) Orr is credited with the idea to create a Shakesporean Garden downtown and began to search for suitable land. Orr identified the lands now known as 15 Huron Street as an ideal site, due to the property's proximity to downtown and river frontage. However, it was not until after the fire destroyed the mill on the site, that the Dufton family considered selling the property. Orr lobbied to City Council about the site's opportunity for a park, and an offer to purchase the burned land was ultimately made.

In 1925, the City of Stratford officially purchased the property from the Dufton family. The surviving stonework from the mill was salvaged and later repurposed for the Garden's design or sold to local homebuilders. In 1926 Orr received permission from City Council to construct a structure on the Dufton Chimney consisting of bird boxes, conical roof, and a weathervane. However, shortly afterwards, the world experienced a serious economic depression, and progress on the Shakespearean Gardens project was halted, alongside many other projects.

In 1934, Orr received permission from City Council to proceed with his plans for the Gardens. And in 1935, a design from the prestigious Landscaping Firm *Dunnington-Grubb, and Stenson* was accepted and approved. Lorrie Dunnington-Grubb and Howard Dunnington-Grubb are often referred to as the "pioneers" of landscape architecture in Canada, being two of the founding nine members of the Canadian Society of Landscape Architects and being the recipient of numerous awards and honours. The original blueprints for the Gardens still exist and are kept in the Stratford Perth Archives.

In 1936, the Garden was officially opened to the public by the Governor General of Canada - Lord Tweedsmuir. Among those present for the opening was Sir Archibald Flower, Chairman of the British Shakespeare Trust, who gifted a sundial to be displayed in the Garden. Since the opening of the Gardens, visitors have been treated to over 60 species of plants all featured in William Shakespeare's renowned plays. As time has passed, additional plant species have been added to further enhance the Garden. In 1949, a bronze bust of William Shakespeare was presented to Stratford's Parks Board, commissioned by the *Sons of England*. The bust, sculpted by Canadian sculptor and artist Cleeve Horne, was said to be the only outdoor likeness in existence of the poet in Canada and likely North America. Cleeve Horne is regarded as one of Canada's finest

portrait painters and sculptors, the recipient of numerous awards and whose work is displayed in Canada's National Gallery.

In 1953, the Stratford Festival opened and changed the City forever. Increasingly large crowds began to visit the City, many of which toured the Garden as well. Today, the Garden continues to be a popular site for tourists and residents of Stratford alike and is often used for wedding ceremonies and special gatherings. The City of Stratford's logo incorporates the Dufton Chimney, the only surviving original structure of the Dufton Wollen Mill, signifying the importance and heritage value of the Shakespearean Garden property.

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Smith, C. (2021). "Shakespearean Gardens getting a little help from its Friends". *The Stratford Beacon Herald*. Retrieved from <https://www.stratfordbeaconherald.com/news/local-news/shakespearean-gardens-getting-a-little-help-from-its-friends>

## **Analysis:**

### **Planning Framework**

#### Planning Act

Section 2 of the Ontario Planning Act identifies the conservation of cultural heritage resources as a matter of Provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest. The conservation of cultural heritage resources contributes to other matters of provincial interest, including the promotion of built form that is well-designed and that encourages a sense of place.

#### Provincial Planning Statement, 2024

In accordance with the Wise Use and Management of Resources policies in Section 4.6 of the Provincial Planning Statement (PPS), built heritage resources and cultural heritage landscapes shall be wisely conserved and managed. Built heritage resources are defined in the PPS as a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an indigenous community. Built heritage resources are located on a property that may be designated under Part IV or V of the Ontario Heritage Act, or may be included on local, provincial, federal and/or international registers. Cultural heritage landscapes are defined in the PPS as a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

#### City of Stratford Official Plan

Section 3.5.3 of the Stratford Official Plan sets out additional criteria for designation:

- i) The City shall continue to designate by by-law individual properties and groups of properties, as well as cultural heritage landscapes, pursuant to the provisions of the Ontario Heritage Act utilizing criteria for determining heritage value or interest established by provincial regulation under the Ontario Heritage Act and the following municipal criteria:

- a) prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development and use of land in the City;
- b) prehistoric and historical associations with the life and activities of a person, group, institution or organization that has made a significant contribution to the City;
- c) architectural, engineering, landscape design, physical, craft and/or artistic value;
- d) scenic amenity with associated views and vistas that provide a recognizable sense of position or place;
- e) contextual value in defining the historical, visual, scenic, physical and functional character of an area; and,
- f) landmark value.

The Ontario Heritage Act enables municipalities to identify and protect heritage resources by way of designation under Part IV or Part V of the act. The City of Stratford Official Plan implements key heritage principles and interests set out provincial planning regime of the Planning Act, the Provincial Planning Statement, and the Ontario Heritage Act and provides direction to further identify, protect and manage significant cultural heritage resources within the City. The designation of individual properties under Part IV of the Ontario Heritage Act is one tool that municipalities can utilize to identify and protect heritage cultural resources within the city.

### Ontario Heritage Act

Buildings, structures, and landscapes may be designated under Part IV of the Ontario Heritage Act if they meet a minimum of two of the following criteria (Ontario Regulation 9/06):

1. The property has design value or physical value because it,
  - a) is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - b) displays a high degree of craftsmanship or artistic merit, or
  - c) demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
  - a) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - b) yields, or has the potential to yield, information that contributes to an understanding of the community or culture, or
  - c) demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,

- a) is important in defining, maintaining or supporting the character of an area,
- b) is physically, functionally, visually or historically linked to its surrounding, or
- c) is a landmark.

When putting forward a property for designation under the Ontario Heritage Act, there are four pieces of information required under O. Reg 385/21 and they are:

- Description of the portion of the property that has cultural heritage value or interest by way of site plan, scaled drawing or a description in writing;
- Statement of cultural value or interest which must identify and explain which of the designation criteria within O. Reg 9/06 is met;
- Description of heritage attributes which must explain how each heritage attribute contributes to the cultural heritage value or interest of the property; and
- Property identifier which includes the legal description, municipal address and general description of where the property is location (name of the neighbourhood/ward or closest major intersection).

Designation Process:

There are seven steps to designating an individual property under Part IV of the Ontario Heritage Act. These steps are:

1. Identifying a property as a candidate for designation
2. Researching and evaluating the property
3. Serving the notice of intention to designate, with an opportunity for objection
4. Passing the designation by-law
5. Appeals and coming into force
6. Listing the property on the municipal register
7. Including property on the Ontario Heritage Trust register

Prior to designating a property under the Ontario Heritage Act, Council must pass a motion to proceed to designate the property. Council must also notify the property owner and the Ontario Heritage Trust and the Notice of Intent to designate must be published in a local newspaper. There is a 30-day objection period. If no objections to the Notice of Intent to designate are received after 30 days, Council may proceed to pass a by-law designating the property.

Any person who objects to the by-law may appeal to the Ontario Land Tribunal in accordance with the Ontario Heritage Act, as amended within 30 days of the publication of the designation in the newspaper.

### **Description of Property**

The property municipally known as 15 Huron Street is located on the west side of Huron Street at York Street, in the City of Stratford.



The property, commonly referred to as the Shakesperean Gardens, contains a botanical garden, located on the eastern portion of the lands. Opened in 1936, the gardens feature species of plants from William Shakespeare's plays in addition to a collection of other plant species. The property also contains the Dufton chimney, located centrally on the eastern portion of the lands, a lychgate located at the entrance to the gardens along Huron Street, a bust of William Shakespeare, and the island located within the Avon River to the north of the property.

### **Statement of Cultural Value or Interest**

The Shakesperean Gardens is of cultural heritage value as one of the only Shakesperean Gardens in Canada and represents the City's protection of parkland along the Avon River. Opened in 1936, the Gardens provide an invaluable example of the efforts of Stratford's Parks Board to create parkland in the City's downtown core, during a time of increased industrial pressures.

The Shakesperean Gardens also demonstrate a high degree of craftsmanship and artistic merit throughout. Designed by *Dunnington-Grubb, and Stenson* and featuring the work of Cleeve Horne, the Gardens provide significant contributions from Canadian Landscape architects and artists.

And being adjacent to the Avon River and the City's downtown Core, the Dufton Chimney has become a well-known landmark that has defined the City's waterfront parkland. The City has incorporated the Dufton Chimney alongside the Huron Street Bridge in its logo for over 20 years.

### **Description of Heritage Attributes**

The specific heritage attributes of the property are:

The following attributes of the Shakesperean Gardens located at 15 Huron Street are considered heritage attributes as defined by the *Ontario Heritage Act* and contribute to its cultural heritage value or interest as a property with physical value, historical and associative value, and contextual value.

- a) Dufton Chimney Tower and features; including the top structure with weathervane
- b) Original stone walls throughout the garden design
- c) Huron Street covered lychgate
- d) Knot Garden
- e) Herb Garden
- f) Rose Garden
- g) Perennial Border Garden
- h) Walkway lamp lighting
- i) Sundial within the confines of the Garden
- j) Bust of William Shakespeare

These attributes of the Garden reflect its value as an important representation of the City of Stratford's history and are excellent examples of the artistic craftsmanship incorporated into its design and the Gardens legacy as a landmark within the City.

### **Compliance with Designation Criteria**

The Shakesperean Gardens meet the following sections of the Provincial Criteria set out in Regulation 9/06:

1. The property has design value or physical value because it,
  - I. displays a high degree of craftsmanship or artistic merit. *Specifically, the design of the Gardens by Dunnington-Grubb, and Stenson, including the planting beds and stonework, and the bust of William Shakespeare sculpted by Cleeve Horne.*
2. The property has historical value or associative value because it,
  - II. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community, *specifically, R.T Orr and Stratford's Parks Board, as well as representing the City of Stratford's preservation and protection of parkland along Avon River.*
3. The property has contextual value because it,
  - III. is a landmark, *specifically its proximity to the Avon River and the City's downtown core, and the Dufton Chimney, as the last remaining physical structure from the Dufton Woolen Mill and being incorporated into the City of Stratford's logo for the past 20 years.*

The heritage attributes also meet the following criteria outlined within Section 3.5.3 i) of the City of Stratford's Official Plan:

- b) prehistoric and historical associations with the life and activities of a person, group, institution or organization that has made a significant contribution to the City; *specifically, R.T Orr and Stratford's Parks Board.*
- c) architectural, engineering, landscape design, physical, craft and/or artistic value; *specifically the design of the Gardens by Dunnington-Grubb, and Stenson and the bust of William Shakespeare sculpted by Cleeve Horne*
- f) landmark value, *specifically the Dufton Chimney.*

### **Public Comments**

Should public comments be received in response to the Intention to Designate, all responses will be submitted to Council for consideration.



Figure 1. Entrance to the Shakesperean Garden from Huron Street, including the lychgate and Dufton Chimney.



Figure 2. The Shakesperean Gardens including various planting material, the original stone walls, and sundial in the middle.



Figure 3. The Shakespearean Gardens including planting material, the original stone walls, and the bust of William Shakespeare.

**Financial Implications:**

There are no direct or anticipated financial implications because of the recommendation to designate the subject property under Part IV of the Ontario Heritage Act.

Cost of the plaque and photography for the designation is within the existing Heritage Stratford budget.

**Link to Asset Management:**

The park and gardens and structures are part of the City's assets and as such are subject to ongoing maintenance and potential replacement. As replacement costs are considered, the heritage designation does mean that these elements will be included in the City's short, medium and long-term asset replacement program.

**Alignment with Strategic Priorities:**

**Work Together For Greater Impact**

This report aligns with this priority as recognizing the built and cultural heritage of Stratford preserves heritage properties for future generations.

**Alignment with One Planet Principles:**

**Culture and Community**

Nurturing local identity and heritage, empowering communities and promoting a culture of sustainable living.

**Staff Recommendation: THAT City Council issue a notice of intention, consistent with Heritage Stratford's recommendation, to designate 15 Huron Street under Part IV, Section 29 of the *Ontario Heritage Act*, specifically the:**

- a) Dufton Chimney Tower and features; including the top structure with weathervane**
- b) Original stone walls throughout the garden design**
- c) Huron Street lychgate**
- d) Knot Garden**
- e) Herb Garden**
- f) Rose Garden**
- g) Perennial Border Garden**
- h) Walkway lamp lighting**
- i) Sundial within the confines of the Garden**
- j) Bust of William Shakespeare**

**AND THAT, subject to designation, a commemorative plaque be installed on the subject lands.**

**Prepared by:** Alexander Burnett, Planner

**Reviewed by:** Marc Bancroft, MPL, MCIP, RPP, Manager of Planning

**Recommended by:** Adam Betteridge, MPA, MCIP, RPP, Director of Building and Planning  
Joan Thomson, Chief Administrative Officer