



**STAFF REPORT
ACTION REQUIRED**

**Osgoode Hall, 130 Queen Street West, Requesting
Deferral of Ontario Realty Corporation Barrier-Free
Access Project No. R40090**

Date:	August 20, 2007
To:	Toronto Preservation Board Toronto & East York Community Council
From:	Director Policy and Research, City Planning Division
Wards:	All
Reference Number:	

SUMMARY

Staff of Heritage Preservation Services, (HPS) have been working with representatives of the Ontario Realty Corporation (ORC) on the introduction of barrier-free access to the front entrance of Osgoode Hall, and consider it premature to proceed with implementation at this time. Provincial standards and guidelines have not been developed for the provision of barrier-free access to heritage buildings.

Osgoode Hall, home to the Supreme Court of Ontario and the Law Society of Upper Canada and one of the most significant and beautiful heritage buildings in Canada is a well-known and well-loved heritage landmark in Toronto, located next to City Hall. The ORC plans to proceed this fall with construction of a barrier-free entrance at the front of Osgoode Hall. This alteration will have a serious negative impact on the heritage value of Osgoode and is proceeding in advance of the development of standards and guidelines under the Accessibility for Ontarians with Disabilities Act (AODA). HPS is requesting deferral of this project until provincial guidelines are developed. In the meantime HPS will continue working with the ORC to find alternatives, and is recommending that the current accessible entryways to Osgoode be improved.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Authority be granted by City Council for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owners of the property, Osgoode Hall, at 130 Queen Street West;
2. Council request that the Ontario Realty Corporation defer the approval of the Barrier-Free Access Project Number R40090 for Osgoode Hall, 130 Queen Street West, until such time as provincial standards and guidelines are developed for the provision of barrier-free access to heritage buildings;
3. Council request the Ministry of Community and Social Services to include a representative from Heritage Preservation Services, City Planning Division on the committee struck to develop standards and guidelines for the provision of barrier-free access to heritage buildings under the Accessibility for Ontarians with Disabilities Act 2005 (AODA).

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Osgoode Hall has two existing barrier-free entrances, one from the Law Society of Upper Canada's main entrance at the east side fronting to City Hall and one through a north-south tunnel connecting Osgoode Hall to the Court House at 361 University Avenue. HPS was first consulted by ORC on the provision of barrier-free access to the front door of Osgoode Hall in 2005. HPS indicated that the front entrance barrier-free access would have adverse impacts on the heritage value of the property and requested that alternatives be considered.

In 2007 the ORC began a Category "B" environmental assessment process and consulted with internal stakeholders and HPS on the development and selection of a preferred option for barrier-free access to the front entrance of Osgoode Hall. HPS staff requested that alternatives be considered and raised concerns regarding impacts and timing of the project. HPS has requested that ORC defer the project until provincial guidelines for barrier-free access are developed.

ORC selected its preferred option in mid-July 2007 and sent it to HPS for formal comment. ORC will conduct a public consultation that will run until mid-September 2007. The decision to proceed will be made in late September 2007.

ISSUE BACKGROUND

The Osgoode Hall property, including the grounds and building, was listed on the City of Toronto's Inventory of Heritage Property by City Council in 1973 and subsequently the Law Society portions of the grounds and building were designated under Part IV of the Ontario Heritage Act in 1990. The City cannot designate the entire property because under the Ontario Heritage Act, provincially-owed property cannot be designated by a municipality.

Osgoode Hall is one of Canada's most significant architectural and historic treasures and is possibly the most significant heritage building owned by the province. Dubbed the "most gracious architectural space in the province" by Marion McCrae and Anthony Adamson in their seminal work on court houses in Ontario called "Cornerstones of Order", Osgoode is of the highest heritage value to the City of Toronto. It was designated a National Historic Site in 1979 because of its historical and architectural significance, and it also has a provincial heritage plaque calling Osgoode "one of the finest examples of Victorian Classical architecture in Canada."

Osgoode Hall, as it is today, evolved over eleven major building campaigns. At the south end of the building, the East Wing is the earliest portion, built in 1829-32 as the home of the Law Society of Upper Canada. The Law Society still owns the original East Wing and the Library, making this part of Osgoode Hall the oldest owner-occupied institution still operating in Toronto.

The West Wing and Centre Range were added in 1844-45. In 1856 the Centre Range was replaced with a new design by architects Cumberland and Storm. The south façade of Osgoode showing the main entrance in the Centre Range and East and West Wings has been basically unchanged since 1856, and is the most significant heritage facade. The province has owned the centre portion and West Wings since 1874.

ORC proposes to make the front entrance of Osgoode Hall barrier-free. A new access from University Avenue through the fence would be built just north of the historic fence and cow-gate at University Avenue. A lay-by is proposed for vehicles to drop off patrons. Raised walkways would be constructed in the centre court yard on either side of the front door leading to a wider higher porch which would cover the existing entrance porch and column bases and raise the level of the porch to twice the height it is now - over one foot higher than the current porch. This results in the requirement to move the historic stone balustrade and urns to the top of the new porch. New stairs at the front of the porch will likely require a handrail down the centre.

The most significant views of Osgoode Hall will be affected by this project. The Centre Range was carefully proportioned to link the two wings yet provide a stunning entranceway. The proposed new barrier-free entranceway will cause the porch to cover, obscure and alter the formal proportions of the carefully composed classical facade. The original heavier arch bases will no longer be visible and the original porch will be

completely covered. The new handrail will obscure views from the each side of the entrance.

ORC is claiming that adverse impacts to the entrance will be “reversible”, but this may be misleading. This intervention is substantial and is unlikely ever to be reversed.

COMMENTS

HPS is concerned that an unsympathetic alteration of one of the most significant buildings in Canada is proceeding in advance of the development of provincial standards for the provision of barrier-free access to heritage buildings.

ORC accepted the direction of the user-group that, “Osgoode Hall Court House main entrance equal access was necessary in accordance with legislative and client/public requirements.” However, in fact there is no legislative requirement for front entrance access.

Both the Ontario Disabilities Act, (ODA) 2001, and the Ontarians with Disabilities Act , (AODA) 2005, are “go-forward” in approach, primarily directed to new construction and the development of guidelines and standards for accessibility. The ORC “Standards for Barrier Free Design of Ontario Government Facilities”, December 2006, in use for this project, are also geared towards new construction or significant renovation (where over 50 % of the floor space is affected). Osgoode Hall is not being significantly renovated at this time so there is no legal requirement that front door access be provided.

The approach in the legislation acknowledges that different standards may apply to our significant heritage buildings. Indeed the Ontario Human Rights Commission’s submission on “Policy and Guidelines on Disability and the Duty to Accommodate” in March 2002 indicated that “it is inevitable that there will be times when parallel services are the only option”. Heritage buildings should be given special consideration through the careful development of standards.

The ORC environmental assessment process for this project considered 9 options for access to Osgoode Hall, however the following 3 options which would have no impact or less impact on heritage attributes were not fully considered:

- Option 1- improving the existing barrier-free access through the tunnel from the Court House at 361 University located immediately north of Osgoode. This option was presented almost as a “do-nothing” alternative, emphasizing the existing sub-standard nature of the access without giving consideration to making improvements to the tunnel to make it more convenient. However this option would have the advantage of much closer vehicular drop off point, on Armoury Street, to the new barrier-free front door at the west entrance of 361 University (a separate project).

- Option 2 – improvement to the Law Society front door barrier free-access. This existing entrance located on the east side is even more convenient for vehicular drop off, with a laneway leading from Queen Street, right to the front door. This option was not given serious consideration because the Law Society does not want it used on a permanent basis, however this access route could be improved with signage and could continue to be used until a better heritage option is developed.
- Option 3, west side access from University Avenue. This option was not fully developed or considered. Historically the west side had entrances and paths into the building and an opening still exists. A new entrance on this side would have far less impact on the more significant south façade. It would also be closer to a vehicular drop-off point at University Avenue.
- The proposed option under consideration, barrier-free access at the front door on the south façade may actually be less convenient for patrons with mobility challenges, because of a much longer route from the proposed vehicular drop off point on University Avenue.

HPS is consulting with Toronto Transportation Services Division, Right of Way Management on the provision of curb-cuts or lay-bys for this project. ORC has not yet obtained approval for these interventions.

HPS has recommended to ORC that the current barrier-free access to Osgoode Hall, both through the Law Society's main entrance on the east side, and the tunnel from 361 University Avenue to the north should be substantively improved to allow for more convenient barrier free-access to and from Osgoode Hall.

HPS recommends that this proposal not proceed until such time as provincial guidelines for the provision of barrier-free access in heritage buildings have been developed.

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SIGNATURE

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ATTACHMENTS

Attachment No. 1: Location Map
Attachment No. 2: Current barrier-free routes
Attachment No. 3: Photos of Osgoode Hall
Attachment No. 4: Proposed Option plans
Attachment No. 5: Proposed Option elevation and photo
Attachment No. 6: Proposed Option section details