

10 St. Mary St., Suite 801
Toronto, Canada, M4Y 1P9
416 963.4497 T
416 963.8761 F

E. B. A.
Architects Inc.

29 September 2008

Mary Macdonald
Acting Manager
Heritage Preservation Services
City of Toronto
100 Queen St West
2nd Floor
Toronto
M5H 2N2

Dear Ms Macdonald,

Re: Request regarding the removal of jail bars on the windows of the centre pavilion of the Don Jail

The City of Toronto and the Ontario Heritage Trust easement agreements ("City Easement" and "OHT Easement" respectively) for the Bridgepoint Health property permit the removal of many jail bars from the windows but also require that they be retained in several different locations.

The jail bars are included in the City of Toronto Reasons for Identification and Bridgepoint Health recognizes that they are an important element for interpreting the heritage of the building. The jail bars should be retained as required in the OHT easement, which also appropriately respects the heritage significance of the Old Don Jail and the City's Reasons for Designation. The retention of the jail bars as being proposed by the City staff unnecessarily doubles the numbers of bars to be retained given the proposed adaptive re-use of the Old Don Jail.

An updated Heritage Impact Statement was issued in November 2007 to accompany the Bridgepoint Health Site Plan Application to the City of Toronto. As part of its application for approval, Bridgepoint had not provided for the retention of jail bars on the centre pavilion facing onto Gerrard Street East. A site visit was undertaken to review the content of the submission on January 18, 2008, and at that time City heritage staff requested that the team prepare further information regarding the condition and proposed removal of jail bars.

An Exterior Building Condition Assessment was submitted documenting the condition of the windows and jail bars and investigating removal methods as well as proposing complete removal of existing jail bars and replacing these in selective locations. In an attempt to provide a compromise, elevation drawings dated May 6, 2008 were prepared showing an alternate proposal that maintained jail bars on the majority of windows on the centre pavilion, all on the east and west elevations rather than on its front face.

PROPOSED LOCATIONS FOR RETENTION

Bridgepoint Health has proposed locations for jail bars that we believe meet the requirements of the OHT Easement and the City Easement as shown in the original Site Plan Application, and thereafter clarified, as listed here:

- **Triple Window Bars, East Elevation, Centre Pavilion ('death row')** - Jail bars are to be repaired and maintained in situ for the 'Boyd gang' window. This is a special condition and the multiple jail bars here will be retained in situ. The condition of the sill and stone surround will require monitoring and possibly special maintenance. This location is specifically mentioned in the OHT easement.
- **Basement Windows** – The jail bars are to be reinstated, with a lift off detail. These locations comply with the OHT easement. The revised detail, called the lift off detail, will allow for maintenance and not repeat the original detail that caused damage to the stone window surrounds.
- **Gallows Tower, Guntower and Centre Pavilion, East Elevation** - The jail bars are to be reinstated, with a lift off detail. These locations are specifically mentioned in the OHT easement.
- **The Centre Pavilion facing Gerrard Street East** - It is proposed that the jail bars be removed from the centre pavilion facing Gerrard Street East. In the alternative, the jail bars could be retained on the east and west façades. This alternative does face the technical difficulties identified below.

BACKGROUND

The City Easement dated March 15th 2002 was executed before final plans and drawings had been prepared. The city easement contemplated further discussion related to window bar retention as described below. Section 2.3 of the City Easement provides that:

'the owner is not yet in a position to finalize, through final plans and drawings, a precise description of changes...It is, however, agreed between the parties that the alterations and construction described in Schedule "F", with such modifications as are reasonable, will not require prior approval pursuant to paragraph 2.2, provided:

- (a) prior to an application for a building permit, the Owner submits all plans, specifications, studies, detailed drawings and any other materials reasonably required by the Commissioner of Economic Development, Culture and Tourism or his or her delegate (the "Commissioner") to review the proposed alterations and construction; and*
- (b) the Commissioner is satisfied that the alterations and construction are consistent with the Heritage Conservation Principles set out in Schedule "E".'*

Section 4.5.3.4. of Schedule E of the City Easement states that:

'The preservation of iron bars and associated bars on the centre pavilion should be maintained. However, the iron bars pose a serious challenge for a hospital, nursing home and retirement living centre. The parties agree, following clarification on the Owner's intent with respect to the various parts of the Building, that they will review this item to take into account the impact of the bars on persons to be served by the Building in its new use.'

The City Easement anticipated that there would be discussion on the retention of jail bars and further, that reasonable modifications are permitted alterations. It is our understanding that Heritage Preservation staff find that the proposal to remove jail bars from the centre pavilion is unacceptable, whether or not such jail bars are retained on the east and west façades.

The following issues need to be considered:

1. Bridgepoint Health is building a new health care facility that goes beyond the treatment of illness to promote recovery and wellness. It represents a new way of thinking and working. In fact, its redefining what a hospital can be to patients, the community, and staff by creating an atmosphere of well-being and openness. This is an important shift in the entire site and in the hospital's history and it is important that this message of health be communicated effectively to all.

Retention of the jail bars on the largest and most prominent of the Don Jail windows simply undermines the overall vision for Bridgepoint Health as a community of care and wellness, and will have a negative impact on all members of the Bridgepoint Health community. The Hospital recognizes that there is an important history to the site that deals with incarceration and isolation and is addressing that history through the retention of certain jail bars, through an interpretive plan, and on the interior of the building, with the retention of certain jail cells.

2. Secondly, there is a technical issue about the potential to replace these centre pavilion windows in an authentic manner. The windows are very large, approximately 4'-0" x 7'-0" and it is not possible to provide an operable configuration that will reproduce their original appearance. We had proposed a lift off detail for these larger windows and included it in our Exterior Condition Assessment. This detail however is unacceptable for the larger windows for safety reasons related to their removal during cleaning operations. This is not an issue for windows such as the basement windows, which are smaller and more accessible. The jail bars on the larger windows will need to be placed on a hinge and swing open to allow for safe maintenance and cleaning of the windows from a lift or elevated stage. If the intent of retaining the jail bars is for heritage interpretative reasons, it is unclear how jail bars on a hinged frame accurately convey either the intent or appearance of the original bars. For the hinge system to work effectively the replacement bars will need to be fabricated from a lighter weight material, which further removes them from being an authentic heritage element on the building. Retention of the original iron, due to its weight, would not allow a functional hinged system that maintains minimal impact on the existing stone window surrounds.

For these reasons Bridgepoint Health is seeking specific permission with respect to the removal of the jail bars from the centre pavilion as originally proposed, or in the alternative, to retain such jail bars on the centre pavilion only on the east and west elevations, in order to leave the south elevation free of jail bars.

Sincerely,



Michael McClelland OAA FRAIC CAHP
Principal