



**STAFF REPORT  
ACTION REQUIRED**

**Demolition of a Designated Heritage Property –  
262 Bessborough Drive**

<b>Date:</b>	March 6, 2014
<b>To:</b>	Toronto Preservation Board North York Community Council
<b>From:</b>	Director, Urban Design, City Planning Division
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\NYCC\NY14023

**SUMMARY**

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At its meeting of November 13, 2013 City Council stated its Intention to Designate the property at 262 Bessborough Drive (Thomas G. Elgie House) under Part IV, Section 29 of the Ontario Heritage Act (OHA).

An application to demolish the building on the designated heritage property was received by the City on February 10, 2014 and a Notice of Receipt was served on the applicant on February 24, 2014.

Under Section 34 of the OHA, Council must respond to a demolition application within 90 days after the Notice of Receipt is served on the applicant. As of the date of this report, the applicant has met all the application requirements set out under Section 103 of the Municipal Code.

Staff is recommending refusal of the proposed demolition of the Thomas G. Elgie House at 262 Bessborough Drive.

City Council must issue a decision by May 24, 2014.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council refuse the proposed demolition of the designated heritage property at 262 Bessborough Drive, under Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the application for demolition under Section 34 of the Ontario Heritage Act, City Council authorize the City Solicitor and appropriate City staff to attend any hearing held by the Ontario Municipal Board in support of the Council position opposing such appeal.

### **Financial Impact**

There are no financial implications resulting from adoption of this report

## **DECISION HISTORY**

The property at 262 Bessborough Drive was listed on the heritage inventory of the former Borough of East York in 1982, and was added to the City of Toronto Inventory of Heritage Properties following the amalgamation of the current City of Toronto. The listing was confirmed in 2006.

On November 29, 2013, City Council stated its Intention to Designate 262 Bessborough Drive under Part IV, Section 29 of the Ontario Heritage Act. No appeals were received, the appeal period closed and the Bills will be passed accordingly.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY27.4>

On January 8, 2014, the Committee of Adjustment refused applications (B39/13NY, A471/13NY, A472/13NY and A473/13NY). These applications were made to obtain consent to sever the property at 262 Bessborough Drive into three residential lots and for variances required to construct a two-storey house on each lot. The central lot included retention of a portion of the original farmhouse with the structure moved eastward on the property and a new rear addition constructed. The applicant has appealed this decision to the Ontario Municipal Board.

## **ISSUE BACKGROUND**

### **Policy Framework**

#### **Ontario Heritage Act**

The proposed demolition of this property is subject to Section 34 of the Ontario Heritage Act. Section 34 sets out a process by which the demolition or removal of a Part IV designated building or structure can be considered by a municipality.

## Demolition or removal of structure

34. (1) No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).

A complete application for demolition has been made and therefore the legislative response timeframe of 90 days is in effect. A Notice of Receipt was served on the applicant on February 24, 2014 and Council must therefore issue a decision by May 24, 2014.

## **Planning Act and Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 states that "Significant built heritage resources and cultural heritage landscapes shall be conserved". Properties designated under Part IV of the Act or included on the City's Inventory of Heritage Properties comprise "significant built heritage resources".

In the PPS 2014, "conserved" is defined as "identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

## **Official Plan**

Section 3.1.5 of the City of Toronto Official Plan (2005), states that significant heritage resources will be conserved. The interpretation policies of the Plan provided that use of the term "will" is prescriptive, to be interpreted as equivalent to "shall".

The heritage policies of the Official Plan were revised and approved by Council (OPA 199) at its meeting of April 3, 2013, followed by approval from the Minister of Municipal Affairs and Housing. These policies give additional direction and clarity and include definitions for alteration, demolition and removal as follows:

**Alteration:** is any change to a property on the Heritage Register, in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may result in any change to a property on the Heritage Register.

**Demolition:** is the complete destruction of a heritage structure or property from its site, including the disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date.

**Removal:** is the complete and permanent dislocation of a heritage resource from its site, including relocation of structures to another property.

## **Standards and Guidelines for the Conservation of Historic Places in Canada**

In 2008 Toronto City Council adopted the Parks Canada document *Standards and Guidelines for the Conservation of Historic Places in Canada* as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

Of the nine standards that the Parks Canada *Standards and Guidelines* encourages for rehabilitation projects, the following three standards offer relevant guidance for heritage conservation in this instance:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*
- Conserve heritage value by adopting an approach calling for minimal intervention
- Find a use for an historic place that requires minimal or no change to its character-defining elements

The *Standards and Guidelines* also include several key definitions. Central to these is the definition of Conservation:

**Conservation:** all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.

## **Reasons for Designation**

The Thomas G. Elgie House, constructed circa 1883, is valued as a rare example of a farmhouse that is the oldest of only three residential buildings in Leaside predating its incorporation as a town in 1913. All three residential buildings have survived in their original location even with the overlay of the Leaside Subdivision Plan in the 1930s.

While the Thomas G. Elgie house was altered through a series of additions made in the 20<sup>th</sup> century, the original section of the building is an important example of the design of farmhouses from the late 1800s with the L-shaped plan, red brick walls and 19<sup>th</sup> century detailing.

As a 19<sup>th</sup> century farmhouse within Leaside, the Thomas G. Elgie house has stood in place as the community grew up around it, and its atypical presence has long contributed to the distinction and beauty of the neighbourhood. Since the overlay of the Leaside Subdivision Plan, approximately 80 years ago, the east elevation of the Elgie House has functioned as the street façade that is viewed from Bessborough Drive (Attachment 1 and Attachment 2).

The heritage attributes of the property at 262 Bessborough Drive include: the building known historically as the Thomas G. Elgie House; the original centre section of the two-storey house form building with its scale, form and massing; the specific location, setback and orientation of the building on the west side of Bessborough Drive, north of Parkhurst, where the east side elevation of the house faces the street and is viewed across a landscaped setting from Bessborough; the original red brick cladding and trim on the exposed elevations of the original main body of the house; on the east façade that forms the street elevation on Bessborough Drive, the gable roof and trim, brick chimney and original fenestration and; the original window opening on the rear (west) wall containing a wood window.

The north and south additions that date to the 20th century are not identified in the Reasons for Designation.

## **COMMENTS**

### **Pre-Committee of Adjustment application discussions**

The owner retained heritage consultant ERA Architects Inc. to prepare a Heritage Impact Assessment for a proposal that included removal of two later additions to the Thomas G. Elgie House to facilitate severance of the property into three lots. The proposal included retention of the original portion of the farmhouse on the middle lot, but moved eastward to allow for a new rear addition to be constructed. Further, the proposal included restoring an existing porch on the east side of the house and replicating an extension to this architectural feature so that it wrapped from the east to the south side of the house, based on the original design and orientation of the farmhouse.

Staff recommended severance of the property into two rather than three lots and considered options that could increase the gross floor area of the house with minimal impact on the heritage attributes while keeping the original portion of the house in situ. The existing site plan of the property shows that there is not enough area behind the house to construct a rear addition so staff recommended that a new addition be added to the north side of the house.

The owner considered staff recommendations but decided to proceed to Committee of Adjustment with a proposal to sever the property into three lots, with a house on each lot and the farmhouse moved to the east.

### **Committee of Adjustment Application**

An application was made by the owner to the Committee of Adjustment to obtain consent to sever the property at 262 Bessborough Drive into three residential lots. Lot 2, to be centrally located, would contain a portion of the existing heritage building to be moved eastward on the site with proposed renovations and additions. Lot 1 and 3, on either side of Lot 2 would be redeveloped with a new two-storey dwelling on each lot.

When the application was originally submitted to the Committee in the summer of 2013, the property was listed on the City's inventory of heritage properties. Staff requested a deferral of the hearing to allow time for Council to evaluate the property for designation under the Ontario Heritage Act so that an understanding of the overall impact of the proposal could be understood.

Following the deferral, City Council stated its Intention to Designate the subject property under Part IV, Section 29 of the *Ontario Heritage Act* at its meeting of November 13, 2013. The designation of the property allows City Council to manage alterations to the site, to enforce heritage property standards and maintenance, and to refuse demolition or inappropriate alterations. As such, staff advised that the proposed site alteration (moving the house to the east and severing the parcel into three lots) would be subject to review and approval by City Council under the Ontario Heritage Act.

On December 5, 2013, a meeting was held between the applicant and City Planning staff. Staff reviewed the variances and discussed the Reasons for Designation approved by City Council. Of concern by staff was the impact of the proposed severance on the following heritage attribute: "the specific location, setback and orientation of the building on the west side of Bessborough Drive, north of Parkhurst, where the east side elevation of the house faces the street and is viewed across a landscaped setting from Bessborough".

The applicant subsequently submitted revised options that reduced the distance the farmhouse was moved from the original site. Staff considered these options and advised the applicant in advance of the Committee of Adjustment hearing that the relocation of the farmhouse on the designated property did not have necessary regard for the Reasons for Designation, and staff could not support it. The Committee of Adjustment refused the application at its meeting of January 8, 2014 and the owner appealed this decision to the Ontario Municipal Board.

## **Current proposal**

Following the Committee of Adjustment decision, the owner submitted an application to the City, to "demolish or remove a designated structure under Part IV of the Ontario Heritage Act". The application was accompanied by a letter from E.R.A. Architects Inc. which states that "we are proposing the demolition of additions constructed in the 1970's and 1990's and propose to retain the original portion of the heritage house. The heritage house is proposed to be relocated on its property, east of its current location and lost features restored."

Staff advised that as per the OHA definitions, the application should have been for an alteration of a designated property under Section 33 of the OHA and not a demolition or removal under Section 34. Staff offered to process the existing application as an alteration and the owner refused, disputing that the proposal met the definition of "demolition" and not "alteration".

On January 27, 2014 the owner's legal counsel advised staff that they had instructions to "...pursue whatever means my client may be legally entitled to in order to proceed with their proposed development without further delay; this could include revising their current plan by proposing full demolition." The owner subsequently revised their application and is now proposing to demolish the entire house on the designated property, sever the property into three lots and construct a new house on each lot.

## **CONCLUSION**

The property at 262 Bessborough Drive is a significant heritage resource and the demolition of a designated property is not an acceptable conservation strategy within the City's key guiding heritage policies, including the Standards and Guidelines for the Conservation of Historic Places, the Provincial Policy Statement and the Official Plan.

For these reasons, staff is recommending that City Council refuse the application to demolish 262 Bessborough Drive.

## **CONTACT**

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## **SIGNATURE**

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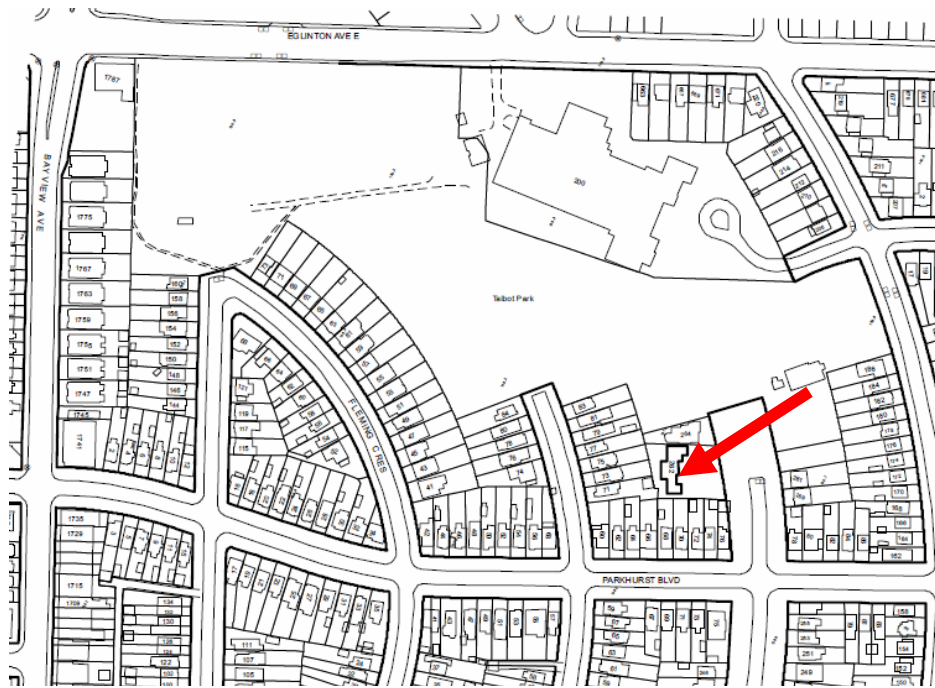
Director, Urban Design  
City Planning Division

**ATTACHMENTS**

Attachment No. 1- Location Plan: 262 Bessborough Drive

Attachment No. 2- Photos: 262 Bessborough Drive





The arrow indicates the footprint of the building to be demolished at 262 Bessborough Drive.  
The outlined area shows the limits of the heritage property

This location map is for information purposes only;  
the exact boundaries of the property are not shown.



Archival photo showing east view of the Thomas G. Elgie House from Bessborough Drive including addition on north side of house  
Source: Toronto Public Library



Archival photo showing closer view of the Thomas G. Elgie house including porch extending from the south side of the house to the east  
Source: Cover photo of the Heritage Impact Assessment



Recent view of the primary elevation from Bessborough Drive showing later two-storey addition to the south (left) with the original house to the right  
Source: TOBuilt