

2 Valleyanna Drive – Proposed Designation By-law Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objections

Date: September 17, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: Don Valley West - 15

SUMMARY

This report recommends that Council amend its decision of July 14, 15, and 16, 2021 (Item NY25.20) stating its intention to designate the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act. The property owner has served the City with an objection to Council's Notice of Intention to Designate. The City received an objection to the Notice of Intention to Designate on behalf of the property owner within the statutory timeline. Staff are recommending amendments described in this report in response to this objection in order to clarify the Statement of Significance adopted by Council.

The property at 2 Valleyanna Drive is located at the northeast corner of Bayview Avenue and Valleyanna Drive.

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act under all three categories of design and physical, historical and associative and contextual values. Staff are recommending that the proposed designation by-law be amended to address specific matters identified by the owner in their objection and as described below in this report.

As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, this property should be designated. Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

In June 2019, the More Homes, More Choice Act, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the Ontario Heritage Act

(OHA), which included amendments to the listing and designation processes. The Bill 108 Amendments to the OHA came into force on July 1, 2021.

City Council has until December 9, 2021, 90 days from the date of the objection, to make a decision on this objection.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council enact a by-law designating the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act substantially in accordance with the Revised Statement of Significance: 2 Valleyanna Drive (Reasons for Designation) attached as Attachment 3 to the report September 17, 2021 from the Chief Planner and Executive Director, in consideration of the objections received by the City Clerk.

2. City Council authorize the City Solicitor to introduce the Bill in Council designating the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act.

FINANCIAL IMPACT

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

DECISION HISTORY

The property at 2 Valleyanna Drive was included on the City of Toronto's Heritage Register on September 27, 2006.

A Preliminary Report on an application to amend the Zoning By-law was adopted by North York Community Council on September 10, 2020, authorizing staff to conduct a community consultation meeting. The applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) (previously the Local Planning Appeal Tribunal or LPAT) on March 30, 2021.

<https://www.toronto.ca/legdocs/mmis/2020/ny/bgrd/backgroundfile-155976.pdf>

On July 14, 15, and 16, 2021, Council directed the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Tribunal hearing to oppose the application in its current form and to continue discussions with the applicant in an attempt to resolve the issues set out in the report (May 31, 2021) from the Acting Director, Community Planning, North York District.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY25.8>

On July 14, 15, and 16, 2021, Council stated its intention to designate the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY25.20>

BACKGROUND

Council has stated its intention to designate the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act (the Act). Notice of Council's intention to Designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on September 10, 2021.

A Notice of Objection was received by the City Clerk on behalf of the owners of the property within the required timeframe set out in the Act. The Act requires that Council consider and make a decision on an objection within 90 days from the end of the objection period. Council may decide to withdraw, amend, or affirm its intention to designate. Council has until December 9, 2021 to make a decision on the objection.

COMMENTS

Staff have reviewed the Notice of Objection dated September 10, 2021 and prepared by Overland LLP. The Notice of Objection is included as Attachment 1 to this report.

Through this letter the owners outline a number of reasons for their objection. These reasons include concerns relating to the low stone wall that is identified as an attribute in the Statement of Significance, the Siberian elm trees that are described in the Statement of Significance, but not identified as heritage attributes, and the way the Statement of Significance describes the property's relationship to Bayview Avenue.

The owner agrees with Council's determination that there is cultural heritage value on the property at 2 Valleyanna Drive. The Statement of Significance (Reasons for Designation) adopted by Council as part of Item NY25.20 is appended to this report as Attachment 2. The amended Statement of Significance (Reasons for Designation) is appended to this Report as Attachment 3 and the revisions are bolded for ease of reference.

Through their Notice of Objection, the owner's agree that the existing low, stone wall fronting onto Bayview Avenue is an important heritage resource. The owners also contend that this wall is located within the City right-of-way. Staff have reviewed a survey of the property and while staff agree that a significant north and south portion of the low, stone wall is located within the City right-of-way, portions of it are located on private property. As this wall contributes to the cultural heritage value of the subject property it should be identified as a heritage attribute. Staff are recommending that the Statement of Significance be amended to reflect that only portions of the wall are located on the subject property.

The Statement of Significance includes a description of the subject property. This description references the continuous row of Siberian elm trees that historically lined the north end of the Annandale estate on Bayview Avenue. Staff agree that these trees are not located on the subject property and for this reason they were not included in the list of heritage attributes in the Statement of Significance. To add further clarity, in response to the owner's objection, staff recommend that the Statement of Significance be revised to explicitly state that the Siberian elm trees are not located on the subject property.

The owners submit that the Statement of Significance's description of the subject property as a corner property "blurs the Site's contextual value." They further submit that "To the extent that reference to the existing context may be appropriate as a factual matter, further refinement is required to reinforce the primacy of the Site's Bayview frontage as a heritage feature worthy of conservation and manifestation." This objection was previously raised by the owner's representative when the staff report recommending designation was before the Toronto Preservation Board at their meeting of June 16, 2021. The Board subsequently recommended to North York Community Council that City Council state its intention to designate the property. Heritage Staff remain of the opinion that the Statement of Significance appropriately describes the contextual value of the subject property and do not recommend that this section of the Statement of Significance be revised.

Should Council adopt the revised Statement of Significance, the City Solicitor will introduce a designating by-law to Council under Section 29 of the Act. Once Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the Act, an appeal may be made to the Ontario Land Tribunal in accordance with the Act. The Ontario Land Tribunal decision is binding.

CONCLUSION

The property at 2 Valleyanna Drive meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act under all three categories of design and physical, historical and associative and contextual values. As such, despite the Notice of Objection, this property should be designated.

Staff have reviewed the owner's Notice of Objection to Council's Notice of Intention to Designate and recommend revisions in order to clarify the Statement of Significance. These revisions are to clarify that portions of the low, stone wall are partially located on City property, and to confirm that the Siberian elm trees are not located on the subject property.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 2 Valleyanna Drive
Attachment 2 – Original Statement of Significance – 2 Valleyanna Drive
Attachment 3 – Revised Statement of Significance – 2 Valleyanna Drive

2 VALLEYANNA DRIVE (ANNANDALE/UPLANDS)**(REASONS FOR DESIGNATION)**

The property at 2 Valleyanna Drive is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the criteria of design and physical, historical and associative, and contextual values.

Description

The property at 2 Valleyanna Drive is located at the northeast corner of Bayview Avenue and Valleyanna Drive. It is located in the historic Township of York, which later became the Municipality of the Township of North York, on land that was originally surveyed as Concession II east of Yonge, Lot 4. In the 1930s, the first concession road east of Yonge Street was renamed Bayview Avenue.

2 Valleyanna Drive is comprised of a two-storey, L-shaped building. It is set behind a low, stone wall fronting Bayview Avenue, with a continuous row of Siberian elm trees that line the property to the north. The rectangular-shaped portion of the property fronting Bayview Avenue to the west was constructed from 1920-21 for Dr Herbert Alexander Bruce to serve as the visual and physical entryway to his 100-acre estate "Annandale." The gatehouse was designed by the prolific Toronto architect Eden Smith. In 1930, the property name was changed from "Annandale" to "Uplands" by Alfred Rogers and his wife, Winifrede M. Rogers, who owned the property.

In 1956-7, after the Annandale estate house was demolished, the gatehouse property, then called "Uplands," was sold to Frederick E. Fletcher and his wife, Barbara Jean Fletcher. The gatehouse was converted for residential use and was given the address of 2 Valleyanna Drive after Valleyanna Drive was created. The adaptive reuse involved conceptually re-orienting the converted gatehouse to the quieter residential street of Valleyanna Drive by filling in the original carriageway and introducing the front entrance on the east elevation. It also involved conducting interior alterations and adding the octagonal dining room wing at the northeast end of the property, which created its present L-shape plan.

2 Valleyanna Drive was listed on the City of Toronto's Heritage Register on September 27, 2006.

Statement of Cultural Heritage Value**Design and Physical Value**

The property at 2 Valleyanna Drive is valued as representative example of a gatehouse building type that is fashioned in the Arts and Crafts and Tudor Revival styles.

Gatehouses were commonly erected on the site of twentieth century country estates at the edge of the property to serve as the visual and functional entryway to the grounds. Representative of this building typology in the west elevation are the archway below the

jerkinhead roof, which originally served as the carriageway, the flanking flat-headed windows and those below the roof dormer, which were meant to provide interior lighting, and the ornamental gateposts with spherical finials connecting to low, stone walls that surround the property on Bayview Avenue. Also indicative of the property's typology in the east elevation are the flat-headed windows with stone lintels and sills and the original two, garage bay openings in the first-storey that presently contain sliding glass doors.

At 2 Valleyanna Drive, the Arts and Crafts style is evident in the restrained decoration at the west elevation and the asymmetrical design, which illustrates the guiding principle of the style pertaining to function-over-ornamentation. The style can also be seen in the uniform stone masonry, the low terracotta roof, where the only ornamentation is the flat-headed dormer window, the jerkinhead roof over the original carriageway and the general varying roofline, and the prominent chimney.

In the east elevation, which would have originally faced the interior grounds of the Annandale estate, additional ornamentation is applied in the Tudor Revival style. This includes the turret at the southeast corner, which is ornamented with a strip of horizontal stone banding, the second-storey projecting window above the central entryway and below the roof gable, the ornamental half-timbering, and the materials, including stone, stucco, and wood.

Historical or Associative Value

The property at 2 Valleyanna is valued for its association with its original owner, Dr Herbert Alexander Bruce, a well-known figure in Canadian elite circles. Bruce founded the Wellesley Hospital in Toronto, was the Inspector-General of the Canadian Medical Services during WWI, was the Lieutenant Governor of Ontario from 1932-37, and served as a Conservative Member of Parliament for Parkdale, Toronto from 1940-46. Bruce was known as being a champion of cancer care in the 1920s, social housing in the 1930s, better health care for the military and veterans, and the introduction of contributory health insurance in the 1940s.

The property at 2 Valleyanna Drive is valued for its association with Alfred Rogers, heir to the Elias Rogers Coal Company, which was known for having some of the largest and most improved coal handling facilities in all of Canada during the late-nineteenth century.¹ He and his wife owned 2 Valleyanna Drive from 1930 and changed its name from "Annandale" to "Uplands," which is reflected on the nameplate in the west elevation.

The subject property has value for its potential to yield information about the presence of the historic 100-acre Annandale estate, which was once located to the east of the gatehouse prior to the creation of Valleyanna Drive in 1956-57. The grounds of this estate characterized the east side of Bayview Avenue, south of Lawrence, across from Dawlish Avenue for several decades, with 2 Valleyanna continuing to reference this original connection.

¹Jamie Bradburn, "Historicist: An Illustrated Business Quartet, *Torontoist* (January 23, 2010), https://torontoist.com/2010/01/historicist_a_business_quartet/

The property at 2 Valleyanna Drive is valued for its association with the prolific Toronto architect, Eden Smith. With a portfolio amounting to several hundred residential, institutional, ecclesiastical, and commercial commissions, Smith was particularly active in Toronto from the late-nineteenth century and into the first two decades of the twentieth century. Known particularly for his innumerable residential projects in the Arts and Crafts style, Smith was engaged by Bruce to design his country estate at Annandale, which included the original estate house (demolished in 1956-57) and gatehouse at 2 Valleyanna Drive. With his career winding down by the early-1920s, his designs for the Annandale properties appear to be amongst his last projects prior to retiring.

Contextual Value

The property at 2 Valleyanna Drive is important in defining, maintaining, and supporting the historic character of the 100-acre tract of land originally known as Concession II, Lot 4 in the Township of York. In the 1920s, it contained a private road leading from Bayview Avenue to the private estate grounds at Annandale, with the gatehouse serving as the visual and functional entryway on Bayview Avenue. The relationship of the property to its setting is demonstrated by its placement, setback and orientation on the east side of Bayview Avenue where the private road was originally located, where it now holds a prominent position at the entrance of Valleyanna Drive.

The property at 2 Valleyanna Drive is physically, functionally, visually and historically linked to its surroundings, where it anchors the northeast corner of Bayview Avenue and Valleyanna Drive. With its two-storey scale, massing, and the rectangular-form of the original gatehouse that was oriented to respond to the north-south positioning of Bayview Avenue, the property continues to convey its historic link to the tract of land originally known as the Annandale estate.

Heritage Attributes

Design or Physical Value

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being representative example of a gatehouse building type:

- the flat-headed windows, with stone lintels and sills, in the east and west elevations
- the round-headed archway in the west elevation, which originally served as the carriageway
- the low, stonewalls flanking the west elevation on Bayview Avenue and side (south) elevation at the corner of Bayview Avenue and Valleyanna Drive, which are punctuated by gateposts with spherical finials on either side
- the original two, garage bay openings in the first-storey of the east elevation

Attributes that contribute to the value of the west elevation of the property at 2 Valleyanna Drive as being representative of the Arts and Crafts style:

- the stone masonry

- the low terracotta roof with varying rooflines
- the flat-headed dormer window at the second-storey
- the jerkinhead roof over the original carriageway
- the chimney

Attributes that contribute to the value of the east elevation of the property at 2 Valleyanna Drive as being representative of the Tudor Revival style:

- the stone turret at the southeast corner with a strip of horizontal stone banding
- the second-storey projecting window above the central entryway and below the roof gable
- the ornamental half-timbering in the original portion of the gatehouse
- the materials, including stone, stucco, and wood

Historical or Associative Value

- the stone "Uplands" nameplate in the west elevation below the flat-headed window to the left of the original carriageway

Contextual Value

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being important in defining, maintaining, and supporting the historic character of the 100-acre tract of land originally known as Concession II, Lot 4 in the Township of York:

- the placement, setback and orientation on the east side of Bayview Avenue at the entrance of Valleyanna Drive, where it now holds a prominent position at the entrance of the street.

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being physically, functionally, visually and historically linked to its surroundings, where it anchors the northeast corner of Bayview Avenue and Valleyanna Drive:

- the two-storey scale, massing, and the rectangular-form of the original gatehouse that was oriented to respond to the north-south positioning of Bayview Avenue

Note:

The west elevation facing Bayview Avenue was the principal elevation of the Annandale gatehouse when the building designed by Eden Smith was constructed in 1920-21.

The octagonal dining room wing in the east elevation was a 1950s addition and was not designed by Eden Smith. It is not being identified as a heritage attribute in this report.

2 VALLEYANNA DRIVE (ANNANDALE/UPLANDS)**(REASONS FOR DESIGNATION)**

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2 Valleyanna Drive is comprised of a two-storey, L-shaped building. **Surviving north and south portions of a low, stone wall on Bayview Avenue and a continuous row of Siberian elm trees behind the north portion of the stone wall on Bayview Avenue date to the site's earlier Annandale estate, and define the perimeter and frame the current building's placement upon it. Within this historic setting,** the rectangular-shaped portion of the property fronting Bayview Avenue to the west was constructed from 1920-21 for Dr Herbert Alexander Bruce to serve as the visual and physical entryway to his 100-acre estate "Annandale." The gatehouse was designed by the prolific Toronto architect Eden Smith. In 1930, the property name was changed from "Annandale" to "Uplands" by Alfred Rogers and his wife, Winifrede M. Rogers, who owned the property.

In 1956-7, after the Annandale estate house was demolished, the gatehouse property, then called "Uplands," was sold to Frederick E. Fletcher and his wife, Barbara Jean Fletcher. The gatehouse was converted for residential use and was given the address of 2 Valleyanna Drive after Valleyanna Drive was created. The adaptive reuse involved conceptually re-orienting the converted gatehouse to the quieter residential street of Valleyanna Drive by filling in the original carriageway and introducing the front entrance on the east elevation. It also involved conducting interior alterations and adding the octagonal dining room wing at the northeast end of the property, which created its present L-shape plan.

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the edge of the property to serve as the visual and functional entryway to the grounds. Representative of this building typology in the west elevation are the archway below the jerkinhead roof, which originally served as the carriageway, the flanking flat-headed windows and those below the roof dormer, which were meant to provide interior lighting, and the ornamental gateposts with spherical finials connecting to a low, stone wall. **A northern portion of the stone wall abuts the northwest corner of the property on Bayview Avenue with the remainder being located in the City right-of-way. A southern portion of the stone wall, which wraps around the southwest corner of the property from Bayview Avenue to Valleyanna Drive and contains a gatepost and spherical finial, abuts the southwest corner of the property with the remainder being located in the City right-of-way.** Also indicative of the property's typology in the east elevation are the flat-headed windows with stone lintels and sills and the original two, garage bay openings in the first-storey that presently contain sliding glass doors.

At 2 Valleyanna Drive, the Arts and Crafts style is evident in the restrained decoration at the west elevation and the asymmetrical design, which illustrates the guiding principle of the style pertaining to function-over-ornamentation. The style can also be seen in the uniform stone masonry, the low terracotta roof, where the only ornamentation is the flat-headed dormer window, the jerkinhead roof over the original carriageway and the general varying roofline, and the prominent chimney.

In the east elevation, which would have originally faced the interior grounds of the Annandale estate, additional ornamentation is applied in the Tudor Revival style. This includes the turret at the southeast corner, which is ornamented with a strip of horizontal stone banding, the second-storey projecting window above the central entryway and below the roof gable, the ornamental half-timbering, and the materials, including stone, stucco, and wood.

Historical or Associative Value

The property at 2 Valleyanna is valued for its association with its original owner, Dr Herbert Alexander Bruce, a well-known figure in Canadian elite circles. Bruce founded the Wellesley Hospital in Toronto, was the Inspector-General of the Canadian Medical Services during WWI, was the Lieutenant Governor of Ontario from 1932-37, and served as a Conservative Member of Parliament for Parkdale, Toronto from 1940-46. Bruce was known as being a champion of cancer care in the 1920s, social housing in the 1930s, better health care for the military and veterans, and the introduction of contributory health insurance in the 1940s.

The property at 2 Valleyanna Drive is valued for its association with Alfred Rogers, heir to the Elias Rogers Coal Company, which was known for having some of the largest and most improved coal handling facilities in all of Canada during the late-nineteenth century.² He and his wife owned 2 Valleyanna Drive from 1930 and changed its name from "Annandale" to "Uplands," which is reflected on the nameplate in the west elevation.

²Jamie Bradburn, "Historicist: An Illustrated Business Quartet, *Torontoist* (January 23, 2010), https://torontoist.com/2010/01/historicist_a_business_quartet/

The subject property has value for its potential to yield information about the presence of the historic 100-acre Annandale estate, which was once located to the east of the gatehouse prior to the creation of Valleyanna Drive in 1956-57. The grounds of this estate characterized the east side of Bayview Avenue, south of Lawrence, across from Dawlish Avenue for several decades, with 2 Valleyanna continuing to reference this original connection.

The property at 2 Valleyanna Drive is valued for its association with the prolific Toronto architect, Eden Smith. With a portfolio amounting to several hundred residential, institutional, ecclesiastical, and commercial commissions, Smith was particularly active in Toronto from the late-nineteenth century and into the first two decades of the twentieth century. Known particularly for his innumerable residential projects in the Arts and Crafts style, Smith was engaged by Bruce to design his country estate at Annandale, which included the original estate house (demolished in 1956-57) and gatehouse at 2 Valleyanna Drive. With his career winding down by the early-1920s, his designs for the Annandale properties appear to be amongst his last projects prior to retiring.

Contextual Value

The property at 2 Valleyanna Drive is important in defining, maintaining, and supporting the historic character of the 100-acre tract of land originally known as Concession II, Lot 4 in the Township of York. In the 1920s, it contained a private road leading from Bayview Avenue to the private estate grounds at Annandale, with the gatehouse serving as the visual and functional entryway on Bayview Avenue. The relationship of the property to its setting is demonstrated by its placement, setback and orientation on the east side of Bayview Avenue where the private road was originally located, where it now holds a prominent position at the entrance of Valleyanna Drive.

The property at 2 Valleyanna Drive is physically, functionally, visually and historically linked to its surroundings, where it anchors the northeast corner of Bayview Avenue and Valleyanna Drive. With its two-storey scale, massing, and the rectangular-form of the original gatehouse that was oriented to respond to the north-south positioning of Bayview Avenue, the property continues to convey its historic link to the tract of land originally known as the Annandale estate.

Heritage Attributes

Design or Physical Value

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being representative example of a gatehouse building type:

- the flat-headed windows, with stone lintels and sills, in the east and west elevations
- the round-headed archway in the west elevation, which originally served as the carriageway

- the northern portion of the low, stone wall that abuts the northwest corner of the property on Bayview Avenue with the remainder being located in the City right-of-way
- the southern portion of the stone wall, with its gatepost and spherical finial, that abuts the southwest corner of the property with the remainder being located in the City right-of-way
- the original two, garage bay openings in the first-storey of the east elevation

Attributes that contribute to the value of the west elevation of the property at 2 Valleyanna Drive as being representative of the Arts and Crafts style:

- the stone masonry
- the low terracotta roof with varying rooflines
- the flat-headed dormer window at the second-storey
- the jerkinhead roof over the original carriageway
- the chimney

Attributes that contribute to the value of the east elevation of the property at 2 Valleyanna Drive as being representative of the Tudor Revival style:

- the stone turret at the southeast corner with a strip of horizontal stone banding
- the second-storey projecting window above the central entryway and below the roof gable
- the ornamental half-timbering in the original portion of the gatehouse
- the materials, including stone, stucco, and wood

Historical or Associative Value

- the stone "Uplands" nameplate in the west elevation below the flat-headed window to the left of the original carriageway

Contextual Value

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being important in defining, maintaining, and supporting the historic character of the 100-acre tract of land originally known as Concession II, Lot 4 in the Township of York:

- the placement, setback and orientation on the east side of Bayview Avenue at the entrance of Valleyanna Drive, where it now holds a prominent position at the entrance of the street.

Attributes that contribute to the value of the property at 2 Valleyanna Drive as being physically, functionally, visually and historically linked to its surroundings, where it anchors the northeast corner of Bayview Avenue and Valleyanna Drive:

- the two-storey scale, massing, and the rectangular-form of the original gatehouse that was oriented to respond to the north-south positioning of Bayview Avenue

Note:

The west elevation facing Bayview Avenue was the principal elevation of the Annandale gatehouse when the building designed by Eden Smith was constructed in 1920-21.

The octagonal dining room wing in the east elevation was a 1950s addition and was not designed by Eden Smith. It is not being identified as a heritage attribute in this report.

The Siberian elm trees lining Bayview Avenue near the north end of the property are not located on the subject property.