

Clause embodied in Report No. 2 of the Etobicoke Community Council, as adopted by the Council of the City of Toronto at its meeting held on February 13, 14 and 15, 2002.

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**Proposed Designation of Kingsway Park Area
as a Heritage Conservation District
(Ward 5 - Etobicoke-Lakeshore)**

(City Council on February 13, 14 and 15, 2002, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends that:

- (1) the following report (July 4, 2000) from the Director, Community Planning, West District, be received; and**
- (2) the recommendations embodied in the following report (November 9, 2001) from Councillor Peter Milczyn, Ward 5 - Etobicoke-Lakeshore, be received:**

(Report dated July 4, 2000, from the
Director, Community Planning, West District)

Purpose:

To designate the area known as Kingsway Park Heritage as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Financial Implications and Impact Statement:

The administration of the Heritage Conservation District may result in the need for additional Heritage Preservation Services staff. This will be addressed by staff through the 2001 Economic Development, Culture and Tourism Department's operating budget process.

Recommendations:

- (1) Council approve a by-law designating Kingsway Park as a Heritage Conservation District substantially in accordance with the draft by-law as attached as Attachment No. 1;
- (2) Council adopt the Kingsway Park Heritage Conservation District Plan (Attachment No. 2); and
- (3) Council, by resolution, adopt the Kingsway Park Heritage Conservation District boundaries as shown on the Map 1 of Attachment No. 1 and the Kingsway Park Heritage Conservation District Guidelines as contained in Attachment No. 3, as an appendix to the

Etobicoke Official Plan to be used in the assessment of alterations and additions to the houses of Kingsway Park and in the construction of new houses.

Background:

In a report to the July 11, 1997, Etobicoke Council meeting, the Etobicoke Historical Board/Local Architectural Conservation Advisory Committee (LACAC) requested that Council designate the area known as Kingsway Park as a Heritage Conservation District under Part V of the Ontario Heritage Act. This request was prompted by LACAC's concern that the number of alterations and additions occurring to the houses of Kingsway Park would lead to significant changes in its architecture and character as originally conceived and developed by its founder, Robert Home Smith. The demolition of 28 Queen Mary's Drive also raised concern over possible future demolitions within the Park.

In response to LACAC's request, Etobicoke Council directed that a Committee be struck to prepare any necessary reports for designating Kingsway Park as a heritage conservation district. The Committee has now completed its work and prepared a set of guidelines to be used by City staff to assess alterations and additions to the houses of Kingsway Park and for the construction of new homes once the Park is designated as a heritage conservation district. Staff from the Heritage Preservation Services section of the Economic Development, Culture and Tourism Department have been consulted in the preparation of this report.

Comments:

Provincial Legislation:

Part V of the Ontario Heritage Act permits municipalities to designate an area as a heritage conservation district. The only requirement, prior to passing a designation by-law, is that the municipality's Official Plan must contain a provision relating to the establishment of a heritage conservation district. Section 7.3.4. of the Etobicoke Official Plan satisfies this condition as it encourages Council to: take steps, wherever feasible, to preserve and enhance heritage resources as inventoried by LACAC by designating Heritage Conservation District by by-law under the Ontario Heritage Act. Once a designating by-law is passed, it must be forwarded to the Ontario Municipal Board (OMB) within 14 days of Council's approval. The OMB then holds a hearing on the designation and based on the evidence it hears may approve the by-law, approve an amended by-law or refuse the by-law.

While there are few requirements for designating an area as a heritage conservation district under the Ontario Heritage Act, the Province, through its Ontario Heritage Conservation District Guidelines (OHCD Guidelines), recommends that municipalities consider the following three elements for a successful designation:

- (1) evaluation of the special character of the district;
- (2) delineation of the boundaries of the proposed district; and
- (3) an effective public participation process.

The Kingsway Park Heritage Conservation District Committee has addressed all three elements in the process to designate Kingsway Park as a heritage conservation district.

Evaluation - Historical Significance:

In the “Evaluation” stage of the process, the focus is on identifying the historical significance of an area which provides the justification for designating it as a heritage conservation district. The historical significance of a district may be found through its association with the architectural, cultural, social, political, economic or military patterns of the community’s history or with specific events or people that have shaped the community’s history.

The justification for designating Kingsway Park may, in part, be found in the man responsible for conceiving and developing the Park, Robert Home Smith. Home Smith was a prominent lawyer and businessman of his era whose list of accomplishments include Chairman of the Toronto Harbour Commission and the Niagara Falls Parks Commission. He also had extensive land holdings throughout the province including 3,000 acres in Etobicoke. This fact alone means Home Smith had a tremendous influence on the development of Etobicoke and the City of Toronto. In developing Kingsway Park, Home Smith set out to create a design controlled community modelled after the English Garden Suburb movement of the late 19th Century. His motto in designing Kingsway Park was “Angliae pars Anglia procul” (a little bit of England far from England’). Nowhere is this more evident than in the architecture of Kingsway Park which falls into the main design categories of English derivation of classical, non-classical and “free-style.” To realize his vision for Kingsway Park, Home Smith required all developers to sign a 30-year covenant which set out a number of restrictions on each house including the size of the house and the material to be used on the exterior walls. Smith even went so far as to require that any developer wanting to build in Kingsway Park had to live in the Park.

A complete listing of Smith’s achievements may be found in “Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community in Etobicoke 1924-1947” along with his approach and philosophy to designing Kingsway Park. This report was initiated and co-ordinated by the Ontario Royal Conservancy and co-authored by Elizabeth Ingolfsrud, former Chairman of the Etobicoke Historical Board and Local Architectural Conservation Advisory Committee and Alec Keefer a Toronto Architect. It is the primary work that will be submitted to the OMB in support of designating Kingsway Park.

Housing Stock Evaluation:

The OHCD Guidelines also suggests that the successful evaluation of an area for designation as a possible heritage conservation district should include an examination of each property from a number of perspectives, such as the historical association of the buildings, their architectural value, integrity and group value. In “Kingsway Park: Triumph in Design” Elizabeth Ingolfsrud and Alec Keefer identify 671 of the homes built in Kingsway Park under the Home Smith and Co. covenant. Individual pictures of the homes are provided along with information (where available) on the year built, the builder, the first owner and their occupation, and the architectural design of the house.

Delineation - Rationale for Establishing the District Boundaries:

The “Delineation” of the proposed district is a key step in the designation process as it sets out the area for which “design guidelines” will be developed to protect the area’s unique architectural features. The district boundary may include open spaces and contemporary buildings to ensure that any future changes or development that may occur are in keeping with the character of the area. The proposed boundary for the Kingsway Park Heritage Conservation District is based on the research provided in “Kingsway Park: Triumph in Design”. Attachment No. 4 shows a more detailed map of the proposed Kingsway Park Heritage Conservation District.

Public Participation:

The “Public Participation” phase is an essential part of the heritage conservation designation process. Even though the Ontario Heritage Act does not require any form of public participation prior to the passing of a designating by-law, the OHCD Guidelines recommend an effective public participation process so that the residents of a proposed district are adequately informed of the implications and have an opportunity to respond to the proposal.

The “Public Participation” process for the Kingsway Park Heritage Conservation District began with the creation of the Kingsway Park Heritage Conservation District Committee as directed by Etobicoke Council. The committee was comprised of residents from Kingsway Park, members of the Kingsway Park Ratepayers’ Association, the Etobicoke Historical Board/LACAC, City staff and the two Councillors from Kingsway-Humber. The primary role of the Committee was to develop “design guidelines” to assist the Park’s residents in undertaking alterations or additions to their homes that are “in keeping” with the original architectural and historical character of the Park once it is designated.

The Committee held its first Public Open House/Meeting on November 10, 1998, to introduce the residents of the Park to the concept of a Heritage Conservation District and the designation process. There were 138 residents who signed in at the meeting, with the total attendance estimated at between 200 and 250. Residents were asked to provide their written comments on the proposal to designate Kingsway Park. Most of the faxes and letters received were in favour of the designation. However, many respondents did not want the guidelines to be too restrictive. The second Public Open House/Meeting was held on June 26, 2000, to introduce the residents to the proposed Kingsway Park Heritage Conservation District Guidelines that would be used to assess alterations and additions in Kingsway Park once it is designated as a heritage conservation district. There were 128 residents who signed in at the meeting with the total number in attendance estimated at between 150 to 200. The response of residents to the proposal to designate the district was mixed, with some residents in favour of the designation and some opposed. The residents’ comments are discussed later in this report.

Kingsway Park Heritage Conservation District Guidelines:

While there is no requirement under the Ontario Heritage Act to prepare guidelines, the Province recommends that district guidelines be prepared to “inform elected representatives and staff of the municipality as well as individual property owners how a municipal council will judge permit

applications” (OHCD Guidelines). The Kingsway Park Guidelines were developed by the Committee throughout 1999 (see Attachment No. 3).

The Committee developed the guidelines with the goal in mind to “Preserve the character and appearance of the streetscapes of Kingsway Park, as originally planned and developed by Home Smith.” The guidelines address 12 features related to the streetscapes of Kingsway Park (see Attachment No. 3). There is a preamble prior to the feature being addressed as well as an explanation of the purpose of the guidelines that follow. Generally, the first guideline recommends that no changes be made to the feature under consideration. This is the preferred scenario as it ensures the streetscapes of Kingsway Park are maintained in their original form. The overriding theme of the guidelines is that if a change is to be made then it should “fit in” with the architectural and historical character of the Park. The guidelines were designed to allow flexibility in interpretation to account for individual needs and circumstances.

Heritage Permit Process:

Once an area is designated as a heritage conservation district, the Ontario Heritage Act (Section 42) requires homeowners to obtain a permit to construct or demolish a building or structure or to alter the external portions of a building. The heritage permit process adopted for Kingsway Park will be the same process used for the other heritage conservation districts within the City (Wychwood Park, East Annex, Draper St. and Fort York). Staff from the Heritage Preservation Services Division of the Economic Development, Culture and Tourism Department will assume the responsibility for administering Kingsway Park and granting approvals.

Kingsway Park Heritage Plan:

In addition to submitting “Kingsway Park: Triumph in Design” to the OMB in support of the designation of Kingsway Park, staff have also prepared the Kingsway Park Heritage Conservation District Plan attached as Attachment No. 2. This study brings together the many elements considered in the designation of Kingsway Park. It begins with a review of the request by the Etobicoke Historical/LACAC to designate Kingsway Park as a Heritage Conservation District and discusses the process for designating a district as set out in the Ontario Heritage Act and the Ontario Heritage Conservation District Guidelines. It then goes on to briefly examine the justification for designating Kingsway Park as chronicled in “Kingsway Park: Triumph in Design”. This is followed by a description of Kingsway Park as it exists today and the tools currently available to the City to preserve the Park’s character. The final section of the Plan examines the need to designate Kingsway Park and provides the rationale and approach used by the Kingsway Park Heritage Conservation District Committee in developing the guidelines. The Plan ends by identifying other issues that the City should consider if the character of Kingsway Park is to be maintained over the long term.

Residents’ Comments:

The following comments were provided by the residents of Kingsway Park at the second Public Open House/Meeting on June 26, 2000.

Comments in Support of the Designation:

A number of residents spoke in favour of the proposed designation. One resident felt that all residents should be proud to have the designation placed on their homes. Another felt lucky to be living in the Park because it is a community that has a unique feeling and friendliness that was created by Home Smith. One resident noted that he had lived in Kingsway Park for 40 years and had not experienced any problems renovating his home even when the Home Smith covenant was still in effect. Some residents felt that preservation measures should be implemented for other features of the Park such as the trees, curbs and sidewalks. The Committee identified these as important features of the Park but decided that preserving these features should be addressed through other processes. Finally, one resident who owns a non-heritage home (not developed under the 30-year covenant) used her house as an example of what could occur if guidelines are not put in place.

The Effect of the Designation on the Marketability of Homes:

Dr. Robert Shipley of the University of Waterloo has conducted research on trends in property values of designated heritage properties in a number of Ontario communities. Dr. Shipley's research focuses on properties designated under Part IV of the Ontario Heritage Act, which allows for more extensive controls on houses compared to houses located within heritage districts. In his 1998 follow-up study to his earlier 1992 study, Dr. Shipley concluded that the majority of individually designated properties performed better than average or average in their value over the long term when compared to the average property value trend in their respective communities. As well, he notes that designated properties tended to retain their values better during real estate market downturns.

The City's Statutory Authority to Develop Guidelines:

Some residents suggested that the City did not have the statutory authority to develop guidelines for Kingsway Park. As discussed earlier, while the Ontario Heritage Act does not require the preparation of guidelines, the Ontario Heritage Conservation District Guidelines suggest that guidelines may be developed which inform "elected representatives and staff of the municipality as well as individual property owners how the municipal council will judge permit applications." It is common practice for municipalities to develop guidelines for their heritage conservation districts to assist residents in making alterations and additions that complement the character of the district.

The Use of Zoning to Preserve Kingsway Park:

Some residents suggested that there might be other means to achieve the objective of preserving the streetscapes of Kingsway Park such as through the zoning by-laws. In the early 1990's Etobicoke Council initiated the Overbuilding Study, Part 1, and the Overbuilding Study, Part 2, in response to concerns from residents in several communities over "monster" homes and additions. These studies culminated in the passing of Preservative Zoning By-laws for a number of Etobicoke's communities. The proposed Kingsway Park Heritage Conservation District is covered by Preservative Zoning By-law No. 1993-108. During the course of both Overbuilding Studies residents identified architectural compatibility as a major contributor to undesirable

infill, additions and new dwellings. On the issue of architectural compatibility, the Overbuilding Study, Part 1, went on to state that architectural compatibility is:

“a subject which remains at the very centre of the overbuilding controversy in Etobicoke. Although residents may not always know specifically why a particular dwelling or addition is not compatible, there is often a surprising degree of consistency among individuals in identifying sore spots in the community.”

The Overbuilding Study, Part 2, recommended that the City prepare a pamphlet which would identify architectural and compatibility parameters for builders. This recommendation was not adopted, as there was no way of ensuring that builders would comply with it.

Other than through designating Kingsway Park under the Ontario Heritage Act, there is no tool available to the City or the residents of Kingsway Park that allows them to have input into the design and materials used in additions to or alteration of houses. The Ontario Heritage Act is the only legislation that allows a municipality and its residents to have a say in the design of additions, alterations and the construction of new homes in their community.

The Process Does Not Address Demolition Control:

Some residents noted that designating Kingsway Park would not prevent demolitions. Designating Kingsway Park as a Heritage Conservation District will not prevent the demolition of houses, it can only delay the process. Under the Ontario Heritage Act, Council has 90 days to make a decision on issuing a demolition permit for a house within a District. If Council refuses to make a decision, or decides not to issue a demolition permit, another 180 days may pass before a demolition permit must be issued. In total, the process may delay demolition for 9 months. During this period, staff would work with the owner of a house slated for demolition to discuss alternatives to demolition that would allow the owner to retain the house.

As noted earlier, the demolition of 28 Queen Mary's Drive and the possibility of future demolitions was one of the factors which prompted the Etobicoke Historical Board\LACAC to request the designation of Kingsway Park as a heritage conservation district. Three more houses have been demolished in Kingsway Park since the demolition of 28 Queen Mary's Drive

Additional Costs:

Some residents are concerned that the designation of Kingsway Park will mean additional costs to them, as they will have to match the exterior wall materials of alterations with the house's original wall material. Many of the alterations to the houses in Kingsway Park are through additions placed at the rear of the houses. As most of these additions go undetected from the front street, this allows the guidelines to be flexible in the materials that may be used for the addition. For alterations to the front of houses or to houses on corner lots, more stringent adherence to appropriate materials would be required if the goal of preserving the streetscapes of Kingsway Park were to be achieved.

Delays in the Processing of Permits:

Some residents are concerned that an additional approval process will delay their building permits. Heritage Preservation Services staff have met with the Chief Building Official for the West District to co-ordinate the building and heritage approval processes. Staff are committed to ensuring that heritage approval is provided within the current time frames for receiving a building permit.

In situations where a building permit is not required, staff will work with residents to ensure that the process does not delay them in making improvements to their homes. Residents will also have the opportunity to draw upon staff's experience to ensure that their improvements are in keeping with the architectural and historical character of the Park.

Conclusions:

Over the past two years, the Kingsway Park Heritage Conservation District Committee has been working toward the designation of Kingsway Park as directed by Etobicoke Council at its meeting of July 11, 1997. The justification for designating Kingsway Park is well documented in the work by Elizabeth Ingolfsrud and Alec Keefer, "Kingsway Park: Triumph in Design." With the assistance, and under the direction of the Ontario Royal Conservancy, the authors have discussed the man responsible for its development, Robert Home Smith, and documented his approach and philosophy in designing Kingsway Park. Over 600 of the homes in Kingsway Park were identified as having been constructed under the Home Smith & Co. 30-year covenant which placed stringent controls on the designs and materials used in their construction. A picture of each house is contained in "Kingsway Park: Triumph in Design" along with pertinent historical and architectural information. In addition, staff have prepared the Kingsway Park Heritage Conservation District Plan (Attachment No. 2) which, among other things, describes the heritage designation process, and provides the rationale for designating Kingsway Park as a heritage conservation district.

The Kingsway Park Heritage Conservation District Committee has developed guidelines that will be used to assess the alterations proposed by the Park's residents and ensure that alterations and additions are in keeping with the architectural and historical character of the Park. The designation of Kingsway Park as a heritage conservation district presents Council with the opportunity to preserve one of the City's most prized heritage assets.

Contact:

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Community Planning, West District
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E-mail: pvagnini@city.toronto.on.ca

(Attachment No. 1)

Authority:

Enacted by Council:

CITY OF TORONTO
BY-LAW No.

To designate the area bounded generally by Bloor Street to the south; Royal York Road to the west; Kingsgrove Blvd., Queen Mary's Drive and Kingsgarden Road to the north and The Kingsway and Kingsway Crescent to the east ("Kingsway Park") as a Heritage Conservation District.

WHEREAS the Council of the former City of Etobicoke at its meeting of July 11, 1997, by the adoption of Resolution No. 287 of Council Session 21 as confirmed by confirmatory by-law No. 1997-142, adopted the report from Mrs. Elizabeth Ingolfsrud, past Chairman of the former Etobicoke Historical Board/LACAC dated July 11, 1997 regarding the designation of Kingsway Park as a Heritage Conservation District and thereby authorized the designation of Kingsway Park and the background studies required for such designation; and

WHEREAS the background research is well documented in the Architectural Conservancy of Ontario Inc. publication "Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community Etobicoke, 1924-1974", co-authored by the past Chairman of the former Etobicoke Historical Board/LACAC; and

WHEREAS the City of Toronto Act, 1997 provides that every by-law or resolution of the Council of the former City of Etobicoke in force before Etobicoke was dissolved on January 1, 1998, shall be deemed to be a by-law or resolution of the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The area within the heavy lines shown on the map attached to and forming part of this by-law, is designated as a heritage conservation district under Part V of the Ontario Heritage Act, R.S.O. 1990, chapter 0.18, as amended.

2. This by-law shall come into force upon approval by the Ontario Municipal Board.

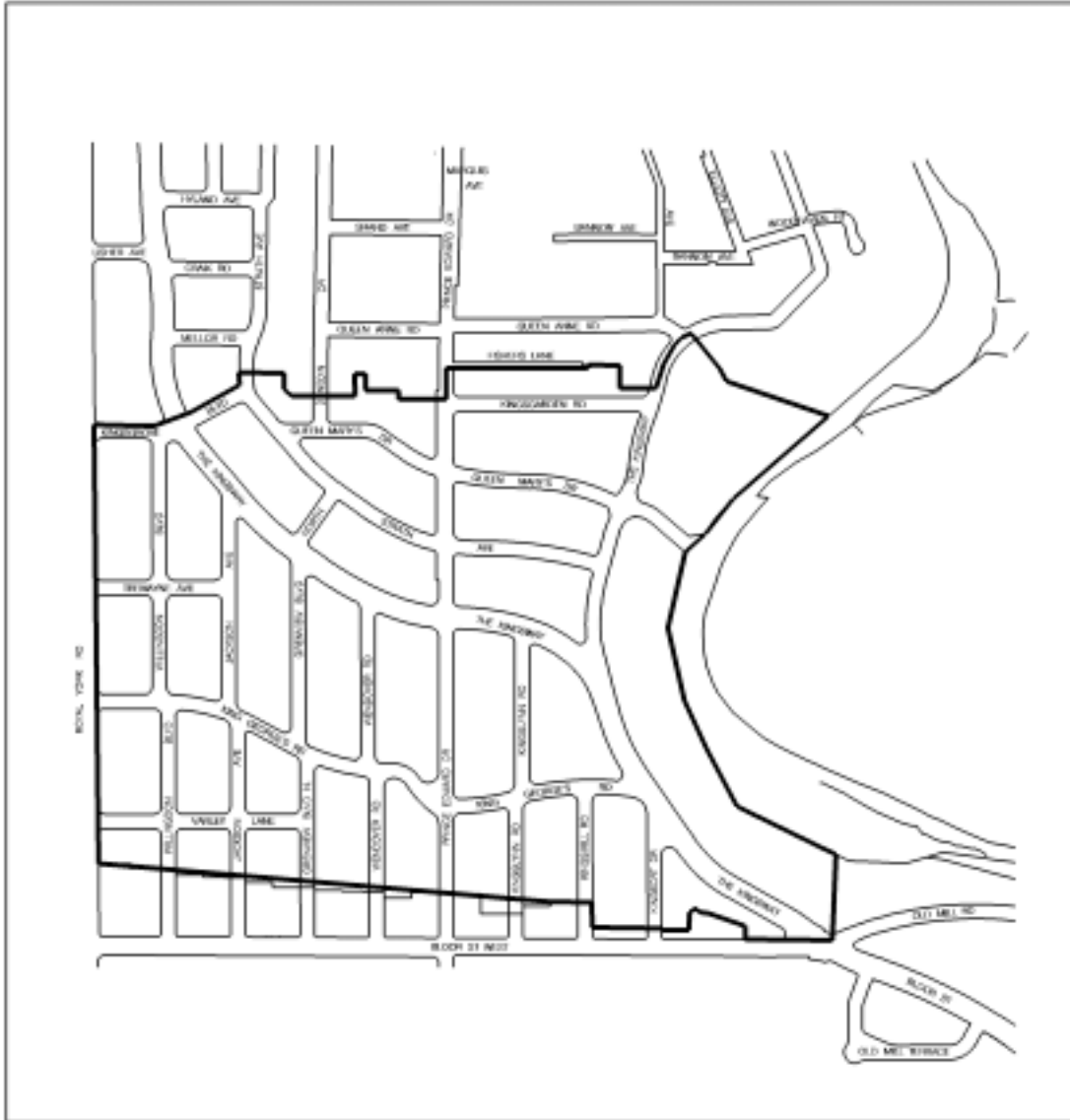
ENACTED AND PASSED this day of , A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



**PART OF LOTS 7, 8 AND 9
 RANGES 1, 2 AND 3, KINGS MILLS RESERVE**

Applicant's Name:		TORONTO	
Assessment Map DID	Zoning Code Map/s DID	scales:	
File No. 570.6.6JB	Drawing No. 2000-6-25		

(Report dated November 9, 2001,
from Councillor Peter Milczyn, Ward 5 – Etobicoke-Lakeshore)

Purpose:

To advise members of the Etobicoke Community Council of the consultation process and research undertaken to review the proposal to Designate the Kingsway Park area under the Ontario Heritage Act.

To provide Members with recommendations on how to pursue the preservation of the heritage of this unique community.

Recommendations:

- (1) That Etobicoke Community Council not endorse the Designation of the Kingsway Park area under the Ontario Heritage Act;
- (2) Etobicoke Community Council direct staff to draft an Official Plan Amendment declaring the Kingsway Park area (as indicated in maps included in the staff report) an Area of Special Identity, consistent with policies of the Official Plan of the former City of Etobicoke;
- (3) the purpose of the Area of Special Identity to be to recognize the distinct built and natural environment, and streetscape of the area; and to recognize and set in place policies to preserve the architectural heritage of the area;
- (4) Etobicoke Community Council establish a Kingsway Park Heritage Working Group to finalize the Heritage Guidelines, and recommend changes to the current zoning by-laws in Kingsway Park such Working Group to be composed of up to 12 area residents, the local Councillor, and City Staff as required, and report back to Etobicoke Community Council with its recommendations by May 2002;
- (5) the completed Heritage Guidelines be included as an appendix of the policies of the Etobicoke Official Plan; and
- (6) that Staff identify non-municipal sources of funding for the distribution, promotion, and education about the Heritage Guidelines to the community.

Background:

The Council of the then City of Etobicoke in 1996 approved, in principle, the designation of the Kingsway Park area as a Heritage District. A consultative committee, composed of staff, residents, and persons with an interest in the area's heritage was struck to develop guidelines to promote the preservation of the area's architectural and landscape heritage.

A document outlining the proposed Heritage Guidelines was forwarded to Etobicoke Community Council in 2000 along with the recommendation to designate the area as a Heritage District.

At that time a number of area residents became aware of the proposal to designate and raised a number of concerns with the proposal. Community Council decided to defer the matter pending further consultation with the community. The matter was brought back to Community Council in March 2000, at which time a further deferral until October 2000 was approved.

Over the course of the past six months, I undertook a number of consultations with the community and conducted a series of meetings. The purpose of the meetings was to dispel some of the fallacious arguments against the designation and to attempt to develop a consensus in the community around the need to implement measures to protect the area's heritage.

During this time more members of the community became aware of the proposal to designate under the Ontario Heritage Act. It became clear that a significant portion of the community strenuously opposes the designation and was not party to the original deliberations which led to the proposal.

Residents raised valid concerns about the somewhat nebulous nature of some aspects of the proposed guidelines and about the process for issuing permits and appealing staff decisions. Other resident concerns I would respectfully suggest are based upon fear of the unknown and in some cases an ideological opposition to government intrusiveness. During the consultation process all of these issues were thoroughly canvassed, however, the community remains split on the proposal.

It also became clear that a significant portion of the community, perhaps 40 percent or more, would oppose the Designation at the Ontario Municipal Board. Given the determination of the opponents, I judged the City's likelihood of success at the OMB in support of the designation to be marginal.

The issue of community support for this proposal is central to its likely success and resident compliance. It is unlikely that the City would be in a position to devote the staff resources to ensure strict compliance with guidelines. The only aspect of the designation, which the City would strictly enforce, would be the delay in the issuance of demolition permits.

Generally speaking, renovations in this community comply with spirit and intent of the proposed guidelines. Notwithstanding this there is a decided need to strengthen the planning policies and zoning by-laws in the community to prevent inappropriate construction.

In order not to lose the benefit of the tremendous amount of work done by volunteers and staff to identify measures to protect the heritage of the area it is appropriate at this time to identify Kingsway Park as an Area of Special Identity so as to clearly define the aspects of the community which must be preserved. This designation will strengthen the community's and the City's ability to protect the area at the Committee of Adjustment and before the Ontario Municipal Board.

Potential changes to the zoning by-laws governing the area will give greater strength to the efforts to protect various aspects of the architectural heritage of the area than the heritage designation would.

This does not preclude individual property owners from requesting that their homes be designated, nor does it preclude the possibility that over time community support for a heritage designation will increase so that its implementation will be viable.

The Etobicoke Community Council submits the following report (December 11, 2001) from the Director, Community Planning, West District:

Purpose:

To respond to Council's request for an additional report on the proposed Kingsway Park Heritage Conservation District and alternatives to designation under the Ontario Heritage Act.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that this report be received for information.

Background:

On December 4, 5 and 6, 2001, Council directed staff to prepare a report for the January 30, 2002 Etobicoke Community Council meeting. Council directed that the report include:

- (a) an explanation of "Area of Special Identity";
- (b) a history of the proposal to designate the Kingsway park area under the Ontario Heritage Act and actions taken to date; and
- (c) the Kingsway Park Heritage Conservation District Plan and Guidelines.

Comments:

- (1) Areas of Special Identity.
 - (a) What is an Area of Special Identity?

The Etobicoke Official Plan defines an Area of Special Identity (A.O.S.I.) as: "...areas which are readily identified by the residents of the City because of distinctive characteristics such as, unique residential areas....".

Section 7.2.1 in the urban design section of the Etobicoke Official Plan states that:

“Council may direct that detailed urban design guidelines be prepared for specific areas of the City and adopt such guidelines by resolution. Areas which may be considered for such guidelines are: ...c) areas of Special Identity. ...Urban design guidelines for these areas shall endeavour to protect and enhance the distinctive character of the area and the prominence and attractiveness of its main focal points.”

Section 7.2.2 of the Etobicoke Official Plan states that:

“In the preparation of urban design guidelines, consideration shall be given to the following principles:

...d) The massing and conceptual design of new development should provide for continuity and harmony in design with: areas of special identity...”.

(b) Are There Any Existing Areas of Special Identity in Etobicoke?

The Bloor Street Area between Mimico Creek and Prince Edward Drive (known as Kingsway/Bloor) was identified as an A.O.S.I. by Toronto City Council on February 1, 2 and 3, 2000. At that time, Toronto City Council also inserted the Kingsway/Bloor Street District Urban Design Guidelines into the Etobicoke Official Plan as Appendix VIII to the Plan. The Kingsway/Bloor area is different than Kingsway Park because it is predominantly a commercial area.

In the case of Kingsway Park, the draft heritage guidelines could form the basis of design guidelines that would apply to the A.O.S.I. designation. They could be appended to the Etobicoke Official Plan by Council resolution. The guidelines are currently drafted as heritage district guidelines and would have to be reviewed and revised to function as an appendix to the Official Plan which would assist Council and the Committee of Adjustment in making decisions on rezonings and minor variances. A discussion of the types of matters that can be addressed through zoning is discussed later in this report.

(c) Are There Any Other Areas of Special Identity in the City?

There are a number of Areas of Special Identity that have been designated in Secondary Plans in the former City of Toronto. Although most are for commercial areas of the City, some are in residential areas. Several of the A.O.S.I.'s, such as the A.O.S.I. for the Gooderham and Warts site (designated under Part IV of the Ontario Heritage Act), are designed to protect historic areas. Draper Street is an A.O.S.I. in the former City of Toronto that is also designated as a Heritage Conservation District under the Ontario Heritage Act. Yorkville Triangle and Scollard/Hazleton are two additional A.O.S.I. that are currently being studied for possible designation as Heritage Conservation Districts.

Where the A.O.S.I.'s complement a Heritage Act designation, the A.O.S.I. is used to guide Council and staff in the evaluation of rezoning applications.

Other than in the former City of Toronto, none of the other former municipalities in Toronto have designated Areas of Special Identity.

(d) What are the Affects of Designating an Area as an Area of Special Identity?

The Planning Act requires all new zoning by-laws to conform to the Official Plan. In processing zoning by-law amendment applications, Council should have regard to any design guidelines for Areas of Special Identity.

However, unlike a Heritage Act designation, zoning by-laws cannot regulate architectural details of structures. Zoning by-laws typically control matters such as: building height; the minimum setback of buildings from lot lines; maximum lot coverage, etc. Zoning by-laws cannot be used to ensure that new construction is compatible with the look and feel of existing neighbourhoods, except by controlling matters like height, setbacks, etc. Zoning by-laws cannot control the architectural details of structures, materials, roof colours and other heritage issues.

The Kingsway area already has a special “preservative” zoning by-law that was specifically tailored to the Kingsway area. It restricts the size of buildings to 150 square metres plus 25 percent of the lot area. A discussion of the preservative zoning by-law and the studies that formed the basis of the by-law can be found in section 5.2 of the Kingsway Park Heritage District Plan (attached as Attachment No. 4 to this Report).

In general, new home construction does not usually require a rezoning. If a new home proposal does not meet the requirements of the zoning by-law, the proponents usually can proceed by applying to the Committee of Adjustment for a minor variance.

The Planning Act establishes four tests which Committees of Adjustment must consider when considering applications for minor variances to the zoning by-law. In order to grant a minor variance, the Committee must ensure that the “general intent and purpose” of the Official Plan is maintained.

If the Kingsway Park area were designated as an A.O.S.I., it would be up to the Committee to determine if the proposal met the general intent and purpose of the Official Plan or if the more stringent requirements in the design guidelines should be required. The City’s Legal Division has provided advice that the Committee of Adjustment cannot legally require matters that are not typically addressed in zoning by-laws as conditions of approval to a minor variance. Thus the Committee cannot legally require conditions that relate to the architectural details of structures, materials and other heritage matters.

If Council wishes to proceed with an A.O.S.I. designation and the adoption of the guidelines as an appendix to the Official Plan, they must be revised to delete all references to: architectural design, roof and eaves lines window lines, window type, building material, storm doors, types of doors, porches, roofing material, chimneys and fences.

(e) What are the Differences Between Heritage Act Designations and Areas of Special Identity?

By designating an area under Part V of the Ontario Heritage Act, all new buildings and exterior alterations would be controlled by the City and would only be permitted if a heritage permit was granted. In the City of Toronto, a recent Heritage Delegation By-law (By-law No. 1005-2001, Attachment No. 2 to this report) outlines a list of alterations to the external portions of a building or structure for which a heritage permit is deemed to have been issued.

In comparison, designating an area as an A.O.S.I. would only affect building proposals that both do not conform to the zoning by-law and require a building permit. Many building renovations do not require a building permit. In addition, many new building proposals conform to the zoning by-law. In these cases, the owner would be free to proceed without any regard for the A.O.S.I. designation and no review with respect to design conformity and compatibility with the neighbourhood would take place.

Even for those proposals which do not conform to the zoning by-law, the effectiveness of the A.O.S.I. would be limited. Council cannot control the architectural details of structures, materials, roof colours and other heritage matters through the rezoning process. Similarly, the Committee of Adjustment cannot legally impose these matters as conditions of approval to a minor variance. The only way for the City to control these matters is by designating the area as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Another difference between an A.O.S.I. and a Part V designation, is that an A.O.S.I. can also be used by the City to control land owned by the City, such as road allowances. In these cases, the policies in an A.O.S.I. could be used to guide Council and City departments on the design of public works and streetscape improvements within the road allowance.

(2) History of the Proposal to Designate Kingsway Park Under the Ontario Heritage Act.

(a) History and Chronology:

At its meeting of July 11, 1997, Etobicoke City Council directed Planning staff to prepare the necessary background studies to designate the Kingsway Park as a Heritage Conservation District under Part V of the Ontario Heritage Act (O.H.A.). To assist staff in preparing the background studies, Etobicoke City Council established the Kingsway Park Heritage Conservation District Committee (Committee), including members of the Kingsway Park Ratepayers Association, the Etobicoke LACAC, residents of Kingsway Park, City staff, and two Councillors from the former City of Etobicoke Kingsway-Humber Ward. The primary role of this Committee was to develop a “design guidelines” document to assist the Park’s residents in undertaking alterations to their houses should the Park be designated under Part V of the O.H.A.

In response, staff held meetings with the Committee as well as public meetings for the residents and prepared a staff report dated July 4, 2000 containing the necessary documentation and background information required to designate the Kingsway Park as a Heritage Conservation District. A further report from staff dated May 28, 2001, provided additional information about the proposed implementation/approvals process for heritage conservation districts in the City of Toronto, as well as information on the relevant sections of the O.H.A. These reports were

considered by Etobicoke Community Council most recently at its meeting on October 24, 2001, and deferred to its January 30, 2002 meeting to be considered in conjunction with this report.

A chronology of the Kingsway Park Heritage Conservation District study process is attached as Attachment No. 1 to this report.

(b) Streamlining the Approvals Process for Proposed Alterations Within Heritage Conservation Districts:

At its meeting of December 3, 4, 5, 2001, Toronto City Council adopted a By-law No. 1005-2001, which established a new streamlined approval process for proposed alterations in Heritage Conservation Districts in the City of Toronto. This process was initiated by staff in response to the increasing number of Heritage Conservation Districts in the City and the potential burden this would place on City Council to consider an increasing number of staff reports on permit applications. This would also have the effect of increasing the time it would take for applications to be processed and permits issued.

Despite the provisions the s.42 of the Ontario Heritage Act, the By-law provides for a list of alterations to the external portions of a building or structure for which a heritage permit is deemed to have been issued. This list includes: alternations that are not visible from the street; repair of existing features using similar materials; painting of wood stucco or metal finishes; installation of eavestroughs; weatherproofing, including the installation of removable storm windows and doors, caulking, and weather stripping; and installation of exterior lights. The by-law also delegates approval authority to staff for the issuance of heritage permits on behalf of Council for proposed work that is compatible with the guidelines that apply in the Heritage Conservation District. This avoids the need for staff to seek Council approval whenever a resident proposes to undertake work requiring a heritage permit. A copy of By-law No. 1005-2001 is included as Attachment No. 2 to this report.

(c) Ontario Heritage Act:

Designation of an area as a heritage conservation district provides City Council with certain powers under Part V of the Ontario Heritage Act. A copy of Part V of the O.H.A. and other referenced sections of the Act is provided as Attachment No. 3 to this report. The sections of the O.H.A. that appear to have caused the most concern in the community are outlined below. The sections described also apply to each of the over 600 residential properties in Toronto designated under Part IV of the Act.

Subsection 36(1) of the O.H.A. allows a municipality to acquire property in a heritage conservation district by purchase, lease or otherwise. This provides Council with the authority to acquire land with the owner's consent. Subsection 36(2) allows the City to expropriate land that is required for the purposes of heritage preservation provided it has complied with the requirements of the Expropriations Act. Heritage Preservation Services staff advise that to the best of their knowledge, the City has never expropriated land for heritage purposes.

Section 38 allows inspectors appointed by City Council to inspect property at any reasonable time for the purpose of carrying out Part V of the O.H.A. The City of Toronto has never appointed any inspectors under this section.

Section 69 sets out the offences under the O.H.A. and the maximum penalties that a court may impose for a conviction under the Act. Prosecutions are very rare under the O.H.A. Before commencing a prosecution, a municipality must obtain the consent in writing of the Province's Minister of Tourism, Culture and Recreation. Provincial staff has indicated that there have only been 5 requests over the past 12 years for the Minister's consent to prosecute for unauthorized work on designated properties. There are over 8,000 designated properties in Ontario.

Also, subsection 69(4) provides immunity from prosecution to persons who have carried out alterations to their property for reasons of public health, safety or preservation of property, provided that they first provide notice to the City Clerk.

Upon conviction, an offender faces a maximum fine of \$50,000.00 or imprisonment for not more than one year, or both. Courts usually reserve the maximum penalties for the worst offences. Heritage staff is not aware of any fines ever being levied against a resident in any of the City's four existing heritage conservation districts.

Additional information about heritage designation and printable copies of the Ontario Heritage Act, are available, free of charge, on the internet at the Ministry of Tourism, Culture and Recreation, web site, at <http://www.culture.gov.on.ca/english/culdiv/heritage/act.htm>. A copy of Part V and other selected sections of the Ontario Heritage Act is attached as Attachment No. 3 to this report.

(3) The Kingsway Heritage Conservation District Plan and Guidelines:

The Kingsway Heritage Conservation District Plan is attached as Attachment No. 4 to this Report. The proposed Kingsway Park Heritage Conservation District Guidelines are included in the Plan. (Due to their length, the appendices to the Plan are not attached.)

(4) Consultation:

This report was prepared in consultation with the City Solicitor and the Manager, Heritage Preservation Services.

Conclusions:

If Council wishes to designate the Kingsway Park Area as an "area of special identity", it should do so by Council resolution. The draft Kingsway Park Heritage Conservation District Guidelines were designed to be used in conjunction with the provisions of Part V of the Ontario Heritage Act. If Council wishes to append them to the Official Plan they should be reviewed and revised so that they would be more useful in the processing of zoning by-laws and minor variances to address zoning issues such as building height, setbacks, lot coverage and minimum yard sizes. For example, all references to: architectural design, roof and eaves lines window lines, window

type, building material, storm doors, types of doors, porches, roofing material, chimneys and fences should be removed from the guidelines

Contact:

David Oikawa, Manager
Community Planning, West District
Tel: (416) 394-8219; Fax: (416) 394-6063
E-mail: doikawa@city.toronto.on.ca

(Attachment No.1)

Chronology – Kingsway Park Heritage Conservation District Study

July 11, 1997 Former Etobicoke City Council in Session 21, Resolution 287, adopted the following:

THAT the Report from Mrs. Elizabeth Ingolfsrud, Chairman, Etobicoke Historical Board/LACAC dated July 11, 1997, regarding the designation of Kingsway Park as a Heritage Conservation District, be adopted; and

THAT the appropriate By-law be enacted to designate the area generally known as Kingsway Park as a Heritage Conservation District, pursuant to Part V of the Ontario Heritage Act, and that the Urban Development Department be authorized to co-ordinate the background studies required for such designation.

October 6, 1997 Former Etobicoke City Council Clause No. 209 of the Seventeenth Report of the Planning and Development Committee, 1997, dated September 30, 1997, adopted by Council Resolution No. 425 on October 6, 1997:

THAT a Committee of staff, that includes members of the Etobicoke Historical Board/LACAC and the local Councillor, be struck to assist in preparing the necessary background report(s) for the designation of Kingsway Park as a Heritage Conservation District and to assist in developing appropriate district planning guidelines;

THAT the Committee be directed to include any other members of staff and/or public that it considers necessary to assist in the process of designating Kingsway Park as a Heritage Conservation District; and,

THAT staff be directed to report periodically on the Committee's progress.

February 18, 1998 First Committee meeting with representatives from the Kingsway Park Ratepayers' Association, the Etobicoke Historical Society/LACAC, residents of Kingsway Park and staff, held at the Etobicoke Civic Centre.

July 16, 1998 Committee meeting held at the Etobicoke Civic Centre.

- November 10, 1998 First Public Open House/Meeting held at the Old Mill Inn facility. The Committee and staff introduced the concept of Heritage Conservation Districts to the residents of the Kingsway Park area. 138 people signed in with approximately 200 people in attendance.
- December 15, 1998 Committee meeting (point at which the former Heritage Toronto first became involved in the process) held at the Etobicoke Civic Centre.
- February 9, 1999 Committee meets to discuss zoning of the area held at the Etobicoke Civic Centre.
- February 23, 1999 Committee meeting to discuss draft guidelines held at the Etobicoke Civic Centre.
- March 9, 1999 Committee meeting, to discuss draft guidelines, held at the Etobicoke Civic Centre.
- May 5, 2000 Committee meeting, to discuss draft guidelines and scheduling of the second public meeting, held at the Etobicoke Civic Centre.
- June 26, 2000 Second Public Open House/Meeting at the Old Mill Inn facility. The Committee and staff introduced the guidelines that would be used to assess alterations and additions in the District once it is designated. 128 people signed in and approximately 150 people in attendance.
- July 19, 2000 Etobicoke Community Council meeting deferred the July 4, 2001, staff report.
- May 10, 2001 Third Public Open House/Meeting held at the Old Mill Inn facility. The Councillor and staff introduced the draft streamlined process and draft delegation of authority by-law. 115 people signed in and approximately 150 people in attendance.
- June 6, 2001 Culture Division staff met with the Committee to discuss the implementation process. The meeting was held at the Etobicoke Civic Centre.
- June 13, 2001 Former West Community Council meeting held at the Etobicoke Civic Centre. Community Council deferred consideration of the May 28, 2001, staff report and July 4, 2000 staff report until its meeting of October 24, 2001 to allow the Ward Councillor to conduct additional community consultation.
- October 24, 2001 Etobicoke Community Council meeting held at the Etobicoke Civic Centre. They deferred consideration of the May 28, 2001, and July 4, 2000, staff reports to the November 21, 2001 meeting of Etobicoke Community Council.

November 21, 2001 Etobicoke Community Council meeting held at the Etobicoke Civic Centre. Community Council deferred consideration of the May 28, 2001, and July 4, 2000, staff reports to the January 30, 2002 meeting of Etobicoke Community Council. Community Council also requested the following:

“referred the aforementioned communication from Councillor Milczyn to the Director of Community Planning, West District, with a request that, in consultation with the City Solicitor and the Manager, Heritage Preservation Services, he submit a report thereon to the Etobicoke Community Council for consideration with this matter, such report to include:

- (a) an explanation of “Area of Special Identity”;
- (b) a history of the proposal to Designate the Kingsway Park area under the Ontario Heritage Act and actions taken to date; and,
- (c) the Kingsway Park Heritage Conservation District Plan and Guidelines, and

requested that the aforementioned report and information be forwarded to all homeowners, in the Kingsway Park area.

(Attachment No. 2)

By-law No. 1005-2001

New Process for the Issuance of Heritage Permits
enacted by Council on December 6, 2001

Delegation By-law - Heritage Conservation Districts

Authority: Economic Development and Parks Committee Report No. 12, Clause No. 9,
as adopted by City of Toronto Council on December 4, 5 and 6, 2001
Enacted by Council: December 6, 2001

CITY OF TORONTO

BY-LAW No. 1005-2001

To amend Chapter 103, Heritage, of the City of Toronto Municipal Code to streamline the application process for heritage permits in heritage conservation districts.

WHEREAS Council wishes to make it easier for residents of heritage conservation districts to obtain permits under Part V of the Ontario Heritage Act for certain types of work; and

WHEREAS Council has authority to pass this by-law under section 102.1 of the Municipal Act; The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 103, Heritage, of the City of Toronto Municipal Code is amended by adding the following Article:

ARTICLE IV
Heritage Permits in Heritage Conservation Districts

§ 103-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMISSIONER - The Commissioner of Economic Development, Culture and Tourism, or his or her designate.

GUIDELINES – Guidelines adopted by Council or the council of a former municipality to assist in the preservation of the historic and architectural character of a heritage conservation district.

HERITAGE CONSERVATION DISTRICT - A heritage conservation district established under Part V of the Ontario Heritage Act.

HERITAGE PERMIT - a permit issued by or on behalf of Council under section 43 of the Ontario Heritage Act.

§ 103-21. Application for Permit; Permits Deemed to be Issued.

- A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, or to alter the external portions of such a building or structure, shall submit an application in writing on a form prescribed by the Commissioner and shall supply any other information relating to the application as required by the Commissioner.
- B. Despite subsection A, an application shall be deemed to have been made for work described in subsection C.
- C. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a heritage conservation district:
 - (1) Painting of wood, stucco or metal finishes.
 - (2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used.
 - (3) Installation of eavestroughs.
 - (4) Weatherproofing, including installation of removable storm windows and doors, caulking, and weather-stripping.

- (5) Installation of exterior lights.
- (6) An alteration that is not visible from a street.

§ 103-22. Compatibility with guidelines.

- A. The Commissioner shall issue a heritage permit on behalf of Council if the work proposed in an application received under § 103-21A is compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken.
- B. Despite subsection A, Council shall retain all powers and authority under Part V of the Ontario Heritage Act and at any time prior to the issuance of a heritage permit, the ward Councillor may, in writing, request the Commissioner to submit a permit application to the appropriate Community Council and to Council for consideration.
- C. A permit issued under subsection A shall be issued subject to the following conditions:
 - (1) That the permit holder not make any material change to a plan, specification, document or other information that forms the basis on which the permit was issued without making a further application under § 103-21A.
 - (2) That the permit holder carry out the work in accordance with the plans, specifications, documents and any other information that form the basis on which the permit was issued.
- D. If the work proposed in an application is not compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken, the Commissioner shall submit the application to the appropriate Community Council and to Council for consideration.
- E. This section shall not apply to alterations for which a heritage permit is deemed to be issued under § 103-21C.

ENACTED AND PASSED this 6th day of December, A.D. 2001.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Attachment No. 3)

Selected Sections of the Ontario Heritage Act

Part V

Heritage Conservation Districts

40. (1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Consultation

- (2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection (1), consult with its local advisory committee. R.S.O. 1990, c. O.18, s. 40.

Designation of heritage conservation district

41. (1) Subject to subsection (2), where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Part IV not to be designated

- (2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

Approval of Board required

- (3) A by-law passed under subsection (1) does not come into force without the approval of the Board.

Notice

- (4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection (1).

Notice to Foundation

- (5) The council of a municipality shall, in addition to any notice required under subsection (4), cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection (1).

Hearing

- (6) The Board shall, before approving a by-law under subsection (1), hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Approval by Board

- (7) The Board may approve a by-law under subsection (1) as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

Expiry

- (8) Unless the council of the municipality applies to the Board for approval of a by-law under subsection (1), within fourteen days after the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days. R.S.O. 1990, c. O.18, s. 41.

Erection, demolition, alteration or removal prohibited

42. Where a by-law has been passed under section 41, no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the external portions thereof, without a permit therefor issued by the council of the municipality unless,
 - (a) the by-law has been deemed to be repealed under subsection 41 (8);
 - (b) the Board has issued an order refusing approval of the by-law; or
 - (c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 44 (2). R.S.O. 1990, c. O.18, s. 42.

Application

43. (1) An application for a permit referred to in section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

Decision of council

- (2) An application under subsection (1) shall be considered by the council and the council, within ninety days of the receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,
 - (a) issue the permit as requested; or
 - (b) advise the applicant in writing that a permit is refused.

Terms and conditions

- (3) Such terms and conditions as the council considers desirable may be attached to a permit issued under subsection (2). R.S.O. 1990, c. O.18, s. 43.

Erection or alteration

44. (1) Where an application under section 43 to the council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 43 (2), appeal to the Board and the Board shall hear the appeal and,

- (a) dismiss the same; or
- (b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

Demolition or removal

- (2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to any other Act or regulation thereunder. R.S.O. 1990, c. O.18, s. 44.

Application

- 45. Sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district. R.S.O. 1990, c. O.18, s. 45.

Delegation

- 46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. R.S.O. 1990, c. O.18, s. 46.

Other Sections of the Act

Purchase or lease by-laws

- 36. (1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expropriating by-law

- (2) Subject to the Expropriations Act, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

- (3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. R.S.O. 1990, c. O.18, s. 36.

Inspection

38. (1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 29 (3).

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation. R.S.O. 1990, c. O.18, s. 38.

Offences

69. (1) Subject to subsection (2), every person who,

- (a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.00 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$250,000.00 and not as provided therein.

Consent of Minister

(3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence

(4) No person is liable under subsection (1) where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs

(5) Except where,

- (a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or
- (b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as nearly as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem

- (6) For the purpose of subsection (5), the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations. R.S.O. 1990, c. O.18, s. 69.

The Etobicoke Community Council submits the following report (May 28, 2001) from the Director, Community Planning, West District:

Purpose:

To update Council on the Public Participation Program for the proposed Kingsway Park Heritage Conservation District.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that Council receive this report and consider the staff report of July 4, 2000, (distributed separately) on the proposed Kingsway Park Heritage Conservation District and the recommendations contained therein.

Background:

At the Etobicoke Community Council meeting of July 19, 2000, the Council Members considered the staff report on the proposed Kingsway Park Heritage Conservation District containing a draft designating by-law, the Kingsway Park Heritage Conservation District Plan and the proposed Kingsway Park Heritage Conservation District Guidelines. Staff recommended that Council:

- (1) approve the draft by-law designating Kingsway Park as a Heritage Conservation District;
- (2) adopt the Kingsway Park Heritage Conservation District Plan; and
- (3) adopt the Kingsway Park Heritage Conservation District Guidelines to be used in the assessment of alterations and additions to the houses of Kingsway Park and in the construction of new houses.

At the July 19, 2000, meeting the Etobicoke Community Council:

- (a) deferred consideration of the staff report to an appropriate meeting in February 2001;
- (b) requested the Director, Community Planning, West District provide the proposed Kingsway Park Heritage Conservation District Guidelines to all homes in the Kingsway Park area and facilitate more public information sessions on the Guidelines; and
- (c) directed that, when adopting the Guidelines and by-law, they be the subject of a review in two years' time.

Discussion:

The July 4, 2000 staff report sets out the background to the proposed Kingsway Park Heritage Conservation District. It reviews the request by the Etobicoke Historical Board/Local Architectural Advisory Committee (LACAC) to Etobicoke City Council, (at the Council meeting of July 11, 1997), to designate Kingsway Park as a Heritage Conservation District. LACAC's request was prompted by its concern that the number of alterations and additions occurring to the houses of Kingsway Park would lead to significant changes in the architecture and character of the Park as originally conceived and developed by its founder, Robert Home Smith.

On July 11, 1997, Etobicoke City Council:

- (i) adopted a report from Mrs. Elizabeth Ingolfsrud, Chairman, Etobicoke Historical Board/Local Architectural Conservation Advisory Committee (LACAC) regarding the designation of Kingsway Park as a Heritage Conservation District;
- (ii) directed that the appropriate by-law be enacted to designate the area generally known as Kingsway Park as a Heritage Conservation District, pursuant to Part V of the Ontario Heritage Act; and
- (iii) directed that the Urban Development Department be authorized to co-ordinate the background studies required for such designation.

To assist Urban Development Department staff in preparing the background studies, the Kingsway Park Heritage Conservation District Committee was established, comprising members of the Kingsway Park Ratepayers' Association, the Etobicoke Historical/LACAC, City staff and the two Councillors from the former City of Etobicoke Kingsway-Humber Ward. The primary role of this Committee was to develop "design guidelines" to assist the Park's residents in undertaking alterations or additions to their homes that are "in keeping" with the original architectural and historical character of the Park if it is designated.

The July 4, 2000 staff report also discussed the Ontario Heritage Act (OHA) and identified the three key elements for a successful designation including:

- (1) evaluation of the special character of the district;

- (2) delineation of the proposed boundaries; and
- (3) an effective public participation process.

Evaluation – Historical Significance:

The justification for the designation of Kingsway Park may be found in the work by Elizabeth Ingolfsrud and Alec Keefer, “Kingsway Park Triumph in Design. An Architectural Study of a Planned Community in Etobicoke 1924-1947.” In their work, Ingolfsrud and Keefer chronicle the life of Robert Home Smith and discuss his philosophy and approach to designing and building Kingsway Park. They highlight the 30-year covenant that Home Smith required all developers to sign. It set out a number of restrictions on each house including the size of the house and the material to be used on the exterior walls. In addition, “Kingsway Park Triumph in Design” identifies 671 of the homes built in Kingsway Park under the Home Smith and Co. 30-year covenant. Individual pictures of the homes are provided along with information (where available) on: the year built, the builder, the first owner and their occupation and the architectural design of the home. Should Council approve the designating by-law, “Kingsway Park Triumph in Design” will be submitted to the Ontario Municipal Board as part of the justification for designating Kingsway Park.

Delineation of the District – Rationale for Establishing the District Boundaries:

The delineation of the proposed district is an essential step in the designation process as it sets out the area for which “design guidelines” should be developed to preserve the area’s unique features. The proposed boundary for the Kingsway Park Heritage Conservation District is based on the research provided in “Kingsway Park: Triumph in Design.”

Public Participation:

Although the Ontario Heritage Act does not require any form of public participation prior to the passing of the designating by-law, the Ontario Heritage Conservation District Guidelines (the companion document to the Ontario Heritage Act) recommends an effective public participation process so that residents of a proposed district are adequately informed of the implications and have the opportunity to respond to the proposal.

The first Public Open House/Meeting was held on November 10, 1998, to introduce the residents of the Park to the concept of a Heritage Conservation District and the designation process. One hundred and thirty eight residents signed in at the meeting, with total attendance estimated at over 200 residents. The comments received by the residents are contained in the Public Participation section of the July 4, 2000 staff report.

The second Public Open House/Meeting was held on June 26, 2000, to introduce the residents to the proposed Kingsway Park Heritage Conservation District Guidelines. One hundred and twenty eight residents signed in at the meeting with the total number estimated at over 150 residents. The comments received by staff are contained in the staff report of July 4, 2000.

On July 19, 2000, staff presented a report dated July 4, 2000, to Etobicoke Community Council for its consideration. As noted earlier, Council directed staff to distribute the proposed Kingsway Park Heritage Conservation District Guidelines to each household in Kingsway Park and to undertake further public consultation.

As directed by Council, Urban Development Services and Heritage Preservation Services Staff held an additional public meeting on May 10, 2001, at the Old Mill. The proposed Kingsway Park Heritage Conservation District Guidelines were mailed to all residents in advance of the meeting along with a notice of the June 13, 2001 meeting of Community Council. One hundred and fifteen residents signed in at the meeting with the total attendance estimated at 150. Staff distributed a comment sheet to allow residents the opportunity to submit their written comments and encouraged them to e-mail any comments to staff. All the comments received by staff are attached as Attachment No. 1 to this report. Information packages were also provided which highlighted some of the key points discussed at the meeting. The following major issues were raised at the public meeting.

In Support of the Designation:

Those residents in support of the designation spoke about maintaining the integrity of Kingsway Park. One resident spoke of moving to Kingsway Park because she liked the character of the area and expressed a desire to come to an agreement on the issue of designating Kingsway Park. According to the resident, nothing presented in the guidelines would prevent them from doing what they would want to do to their property.

One resident reminded the public of the work done by the Kingsway Park Heritage Conservation District Committee and the efforts of the residents to ensure that the construction of 28 and 30 Queen Mary's Drive were compatible with the neighbourhood.

Finally, one resident who has lived in the area for over 40 years, could not understand why people were having trouble accepting guidelines as she feels people buy into the area for the historical character.

Opposition to the Designation:

Pros and Cons:

Several residents raised the issue of establishing a panel of residents to discuss the pros and cons of designating Kingsway Park as a Heritage Conservation District. It was also suggested that information on other districts should be provided and that information sessions/workshops should be held.

One resident felt that the guidelines for corner lots were too stringent and requested that corner lots be removed from the guidelines altogether.

Some residents recommended that the City send out more information to the residents on the proposed designation of Kingsway Park (e.g., the Ontario Heritage Act), explaining the implications of the proposed designation in greater detail.

One resident asked for hard analytical evidence in terms of the number of properties that should belong in the Heritage Conservation District, while another resident requested that her home be removed from the district.

Several residents raised the issue of holding a referendum on whether to designate Kingsway Park as a Heritage Conservation District.

Guidelines:

There were several comments made with respect to the proposed guidelines. Some residents felt that the guidelines are too detailed and subjective. One resident expressed the concern that the guidelines are open-ended and could be changed without further consultation. Another resident felt that the guidelines were extensive and a violation of a person's rights.

Several residents felt that recent construction in Kingsway Park had remained consistent with the Park's character and that there was no need to designate the Park as a Heritage Conservation District or develop guidelines. One resident was concerned that all past alterations and additions would need to comply with the guidelines. This resident was informed that if Kingsway Park is designated as a heritage conservation district the guidelines would apply from the date the by-law is approved.

Ontario Heritage Act:

There were a number of comments about the Ontario Heritage Act. One resident asked why Sections 36 (Purchase/lease), Section 38 (Inspections) and Section 69 (Fines/Imprisonment) were not discussed.

Sections 36 through 45 of the Ontario Heritage Act would apply if Kingsway Park is designated as a heritage conservation district. Subsection 36(1) of the OHA allows a municipality to acquire a property by purchase, lease or otherwise. This authority is qualified, in that the acquisition must occur for the purposes of Part V of the Act. Also, acquisitions must occur with the owner's consent unless the City has complied with the requirements of the Expropriations Act. To put these powers in perspective, subsection 19(1) of the Municipal Act enables municipalities to pass by-laws for acquiring or expropriating any land for the purposes of the municipal corporation, regardless of whether the land is within a heritage conservation district or not.

With respect to heritage inspections, the City of Toronto has never had a "heritage inspector" and Heritage Preservation Services staff are not aware of any fines ever being levied against a resident in any of the City's four existing heritage conservation districts.

Staff also asked Mr. Paul King of the Ministry of Citizenship, Culture and Recreation, if he was aware of any appeals to the Ontario Municipal Board (Section 49 of the OHA) over matters in any of the Province's heritage conservation districts or any fines under Section 69 of the OHA. Mr. King is an educational and technical advisor with the Ministry of Citizenship, Culture and Recreation and provides assistance to municipalities seeking to designate a heritage conservation district.

With respect to appeals to the OMB under section 44 of the OHA, Mr. King noted that since the Ministry is not formally notified and does not automatically receive copies of the Board hearing, he can not be certain of the exact number of appeals. He is aware of two appeals, one in the City of Kingston and one in Town of Oakville. Mr. King believes there may have been one or two earlier appeals but does not have any record of them.

With respect to prosecutions and fines under Section 69, Mr. King was able to identify 5 requests over the past 12 years for Minister's consent to prosecute for unauthorized work carried out on a Part IV or Part V designated property out of over 8,000 designated properties in the Province. It is important to note that a municipality can not simply fine a resident for any work undertaken that does not comply with the district guidelines. The municipality must first apply to the Minister of Citizenship, Culture and Recreation to seek permission to prosecute.

Proposed Implementation/Approval Process:

At the May 10, 2001 Public Meeting/Open House, Heritage Preservation Services staff presented a draft "streamlined approval process" for Heritage Conservation Districts in the City of Toronto. This streamlined process is desirable since Part V of the Ontario Heritage Act requires that no person shall erect, demolish or remove any building or structure, or alter the external portions thereof without a (heritage) permit issued by the Council of the Municipality (s.42). The comprehensive nature of this provision has raised some concern by Kingsway Park residents. In addition, staff are concerned the number of applications likely to be generated by existing and future Heritage Conservation Districts in the City would place a serious burden on City Council.

This streamlined process involves the delegation of approval authority for certain alterations to City staff, thus avoiding the need to seek Council approval whenever a resident proposes to undertake work requiring a heritage permit to be issued. Staff is proposing to limit those situations where a heritage permit application is required and the types of alterations requiring review.

The implementation of these streamlining initiatives requires the adoption of a delegation by-law by Council. A full report on the draft delegation by-law that would apply to all heritage districts will be forwarded for the consideration of the Economic Development and Parks Committee and City Council in the near future. This by-law would provide Heritage Preservation Service staff with the authority to issue heritage permits on behalf of Council where the proposed work is compatible with guidelines adopted by Council to assist in the preservation of the historic and architectural character of a Heritage Conservation District. In this way, Council would only be called upon to decide whether to issue a heritage permit where the proposed work is incompatible with the guidelines or where the Ward Councillor has requested that an application be forwarded to Community Council and to Council for consideration.

The proposed delegation by-law would also define a list of situations in which a permit would be deemed to have been issued. In these situations, residents would be entitled to undertake physical alterations and improvements without the need to submit an application to the City. It is proposed that such alterations include: alterations to architectural features not visible from the street; repair of existing architectural features in the same materials that may or may not be

visible to the street; repair of exposed foundations; painting of wood, metal, stucco and trim; re-roofing and re-cladding in same materials; and weatherproofing.

There is no requirement for a permit under Part V of the Ontario Heritage Act for interior alterations or for landscaping (driveways, walkways, plantings). Also, no separate heritage permit application would be required for work that requires a building permit. In these instances, heritage issues would be considered in tandem with the building permit review process.

The requirement for a separate heritage permit application would therefore be limited to work that is visible from the street and that involves the introduction of new architectural elements, the replacement of existing architectural features, and/or the painting or cleaning of masonry.

This streamlined process would provide a more efficient and less onerous approvals process for residents than would otherwise be required under the Ontario Heritage Act. At the same time, it would reinforce the importance of preserving the aspects of buildings and structures within the District that contribute to the historic and architectural character of the neighbourhood due to their visibility from the public street.

Conclusion:

Over the past four years, the Kingsway Park Heritage Conservation District Committee, Urban Development Services, Heritage Preservation Services and Legal staff have been working toward the designation of Kingsway Park as a Heritage Conservation District. Should Council approve the designation by-law, “Kingsway Park: Triumph in Design” and the Kingsway Park Heritage Conservation District Plan will be submitted to the Ontario Municipal Board in support of the designation.

Heritage Preservation Services staff are working on a “streamlined approval process” for issuing heritage permits under the OHA and limiting the situations in which a heritage permit is required for all heritage districts within the City. This will greatly reduce the “red tape” and costs associated with the heritage permit process and reduce staff and Council time required for issuing heritage permits. These processes would also apply to Kingsway Park if Council approves the designation by-law.

Heritage Preservation Services staff contributed to the preparation of this report and concur with its recommendations.

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The Etobicoke Community Council reports, for the information of Council, having had before it, during consideration of the foregoing matter, the following communications:

- (i) (June 12, 2001) from Councillor Peter Milczyn, Ward 5 - Etobicoke-Lakeshore, requesting, for the reasons outlined in the communication, that this matter be deferred until the late fall of 2001, a copy of which is on file in the office of the City Clerk, Etobicoke Civic Centre; and
- (ii) (December 18, 2001) addressed to Residents of Kingsway Park from Councillor Irene Jones, Ward 6 – Etobicoke-Lakeshore, providing background information regarding the Etobicoke Community Council's recent action respecting this matter and requesting residents to complete the poll contained in the communication.

The Etobicoke Community Council reports, for the information of Council, also having had before it, during consideration of the foregoing matter, the following communications:

- (a) from the following residents in opposition and/or expressing various concerns regarding the proposed designation, and a copy of each is on file in the City Clerk's Office, Etobicoke Civic Centre:

(July 3, 2000) and (Undated) Mr. Peter R. Baker, Etobicoke;
(July 4, 2000) Don and Elyse Allan, Etobicoke;
(July 4, 2000) Mary Braun and Alex Norton, Etobicoke;
(July 5, 2000) Mr. Konrad Dowling, Etobicoke;
(July 5, 2000) Mr. Paul P. Ginou, Etobicoke;
(July 10, 2000) Frank Dean and Katherine Challis-Dean, Etobicoke;
(July 13, 2000) Barbara and Gordon Bonn, Etobicoke;
(July 16, 2000) Mr. Thomas T. Robins, Etobicoke;
(July 16, 2000) Mr. Bob Hamilton, Etobicoke;
(July 17, 2000) Ms. Christine Bigger, Etobicoke;
(July 17, 2000) Ms. Diane Finch, Etobicoke;
(July 17, 2000) Mr. Peter Finch, Etobicoke;
(July 18, 2000) Mr. Peter R. Davey, Etobicoke;
(July 18, 2000) Mr. Philip M. Asseff, Etobicoke;
(July 18, 2000) Ms. Donna E. Toth, Etobicoke;
(July 18, 2000) Dr. David and Mrs. Kimberly Hanmer, Etobicoke;
(July 18, 2000) Mr. Tom Weissmann, Etobicoke;
(July 18, 2000) Mr. Terry Thompson, Etobicoke;
(July 19, 2000) Mr. John D. Hagerman, Etobicoke;
(November 14, 2001) Ms. E. Barbara Vallis, Etobicoke; and in support of Councillor Milczyn's proposal;
(November 18, 2001) John and Barbra Hagerman, Etobicoke; and in support of Councillor Milczyn's proposal;
(January 10, 2002) Mr. Peter Baker, Toronto;
(January 10, 2002) Mr. Ian Ferguson and Ms. Donna Ferguson, Etobicoke;
(January 14, 2002) Mr. Norman Silberberg and Ms. Gabriele Silberberg, Etobicoke;
(January 14, 2002) Mr. Melvin Green and Ms. Margaret Green, Etobicoke;

- (January 14, 2002) Mr. Dino J. Ricci, Etobicoke;
(January 14, 2002) Ms. Margaret Judge, Etobicoke;
(January 15, 2002) Mr. Luis Carreno and Mr. Hedwig Carreno, Etobicoke;
(January 15, 2002) Mr. Paul Ginou, Toronto;
(January 16, 2002) Ms. Jean Francis, Toronto;
(January 16, 2002) Carol and Brady Moore Toronto;
(January 16, 2002) Les and Yvonne Poiczynski, Toronto;
(January 17, 2002) Mirjana and Vladimir Cetojevic, Toronto, and also in opposition to the proposed designation as an Area of Special Identity;
(January 18, 2002) Herma Holub, Toronto;
(January 19, 2002) Ms. Isabel Pilcher, Toronto;
(January 24, 2002) Peter and Heather Church, Toronto, and also in opposition to the proposed designation as an Area of Special Identity;
(January 24, 2002) John Springer, Toronto, and also in support of the proposed designation as an Area of Special Identity;
(January 25, 2002) Kayla and Manuel De Sousa, Toronto;
(January 29, 2002) Christine and Irena Sandig, Etobicoke;
(January 29, 2002) Renato Rossi, Toronto; and
(Undated) Kelly and John Hastings, Etobicoke, and also in opposition to the proposed designation as an Area of Special Identity; and
- (b) from the following residents in support of the proposed designation, and a copy of each is on file in the City Clerk Office, Etobicoke Civic Centre:
- (July 4, 2000) Doug and Rose Templeton, Etobicoke;
(July 7, 2000) Alec and Joyce Monro, Etobicoke;
(July 10, 2000) Barbara Burgess and John Morris, Etobicoke;
(July 13, 2000) Ms. E. Barbara Vallis, Etobicoke;
(July 14, 2000) Joyce O. Fletcher and Roy H. Fletcher, Etobicoke;
(July 14, 2000) Heather M. Clark and Patrick Clark, Etobicoke;
(July 17, 2000) Mr. Michael Stasiuk, Etobicoke;
(July 17, 2000) Mr. Bob Atkinson, Etobicoke;
(July 17, 2000) Gary Vivian and Catherine Vivian, Etobicoke;
(July 17, 2000) E. Wright, Etobicoke;
(July 17, 2000) Ms. Mary L. Campbell, President, The Kingsway Park Ratepayers Inc.;
(July 19, 2000) Ms. Melinda Wilson, Etobicoke;
(November 14, 2001) Ms. Faith Stevens, Etobicoke; and requesting that this issue be deferred until spring 2002;
(June 12, 2001) Mr. Ian Mitchell, Toronto; and
(January 2, 2002) Mr. Robert A. Gray and Ms. Ruth Batten Gray, Toronto.

The Etobicoke Community Council reports, for the information of Council, also having had before it, during consideration of the foregoing matter, the following communications:

- (i) (November 20, 2001) Ms. Judy Shiels, expressing concerns, as a former member of the Etobicoke Historical Board, regarding the information circulating in the community and requesting that the matter be deferred in order for a compromise to be reached;

- (ii) Councillor Peter Milczyn, Ward 5 – Etobicoke-Lakeshore, submitting a communication dated November 14, 2001, addressed to the Mayor and Members of Etobicoke Community Council from Ms. Lynda Kelly requesting, for reasons outlined in the communication, that the matter be deferred for six months; and providing additional background material in connection with this matter;
- (iii) (November 19, 2001) from Gary and Catherine Vivian, Etobicoke, submitting comments regarding the proposed designation and suggesting that the matter not be cancelled or withdrawn at this time, rather deferred until Councillor Milczyn’s proposed new mechanism under the Planning Act, an “Area of Special Identity”, is studied;
- (iv) (November 21, 2001) from Ms. Jackie Gaudaur, Etobicoke, forwarding a petition containing 195 signatures of area residents who have come forward during the past week to voice their strong support of the proposed Kingsway Heritage Designation; and submitting a communication dated November 21, 2001, from Ms. Susan Franklin, forwarded by electronic mail to Councillor Peter Milczyn respecting the direction this issue has taken and the process followed; and a copy thereof is on file in the office of the City Clerk, Etobicoke; and
- (v) (January 16, 2002) from Mr. George Yotis, Etobicoke, expressing concerns regarding the information package forwarded to residents by Councillor Irene Jones, the method of voting and the scheduling of the item for 4:00 p.m. and not in the evening; requesting that the time be changed to 7:30 p.m. and if that is not possible to select another night.

The following persons appeared before the Etobicoke Community Council on January 30, 2002:

- (a) expressing concerns regarding the proposed designation:
 - Ms. Caroline Pennie, Etobicoke; and filed a submission;
 - Mr. Bruce Robertson, Etobicoke;
 - Mr. Peter Baker, Etobicoke;
 - Mr. Paul Ginou, Etobicoke;
 - Mr. Raymond Cope, Etobicoke;
 - Mr. Phillip Gooch, Etobicoke;
 - Mr. John Adamson, Etobicoke;
 - Ms. Laurissa Canavan, Etobicoke; and filed a submission;
 - Mr. Zoltan Horcsok, Etobicoke;
 - Ms. Herma Holub, Toronto;
 - Ms. Mary Savage, Toronto;
 - Ms. Linda Jaye, Toronto;
 - Mr. Frank Rosenberg, Toronto;
 - Ms. Donna Ferguson, Toronto; and
 - Ms. Carol Stevenson, Toronto; and

(b) supporting the proposed designation:

- Ms. Jackie Gaudaur, Etobicoke;
- Ms. Amy Gaudaur, Etobicoke;
- Ms. Peggy Kurtin, Cabbagetown Preservation Association and The Toronto Historical Association;
- Mr. Ernest Buchner, Executive Director, Heritage Toronto;
- Ms. Sarah Evans, Etobicoke;
- Ms. Faith Stevens, Toronto;
- Mr. H. A. Harrison, Etobicoke;
- Ms. Linda Kelly, Etobicoke, and read a submission forwarded by Mr. Mike Filey;
- Ms. Susan Franklin, Etobicoke;
- Mr. David Hanna, Etobicoke; and filed a submission;
- Mr. Gary Vivian, Etobicoke; and filed a submission;
- Ms. Molly Sutherland, Etobicoke; and filed a submission;
- Mr. Robert Atkinson, Toronto; and
- Ms. Giulia Delannoy, Toronto.

The following persons appeared before the West Community Council at its meeting held on June 13, 2001, expressing various concerns regarding the proposal:

- Mr. Raymond Cope, Etobicoke;
- Ms. Herma Holub, Etobicoke;
- Ms. Kayla De Sousa, Etobicoke;
- Ms. Faith Stevens, Etobicoke;
- Mr. Dereck Hill, Etobicoke; and
- Mr. Paul Ginou, Etobicoke; and filed a submission with respect thereto.

The following persons appeared before the Etobicoke Community Council on July 19, 2000, in connection with the foregoing matter:

- Mr. Paul Ginou, Etobicoke;
- Mr. Frank Rosenberg, Etobicoke;
- Ms. Herma Holub, Etobicoke;
- Mr. John Hagerman, Etobicoke;
- Ms. Martha Blake, Etobicoke;
- Mr. Roy Fletcher, Etobicoke;
- Mr. Peter R. Baker, Etobicoke;
- Mr. Dave Smith, Etobicoke;
- Mr. Raymond Cope, Etobicoke;
- Ms. Susan Franklin, Etobicoke;
- Ms. Penny Moles, Etobicoke;
- Ms. E. Barbara Vallis, Etobicoke;
- Ms. Lynda Kelly, Kingsway Park Heritage Conservation District Committee;
- Mr. David Hanna, Etobicoke;
- Mr. Bob Hamilton, Etobicoke;
- Ms. Faith Stevens, Etobicoke;

- Mr. Ron Moles, Etobicoke;
- Mr. Calvin Chubb, Etobicoke;
- Senator Marian Maloney, Etobicoke;
- Mr. Robert Visentin, Etobicoke;
- Ms. Jean Adare, Etobicoke;
- Mr. Konrad Dowling, Etobicoke;
- Mr. Chris Anderson, Etobicoke;
- Ms. May Lou Blain, Etobicoke;
- Mr. Adam Sobolak, Etobicoke;
- Mr. Herb Harrison, Etobicoke;
- Mr. Alec Monro, Etobicoke;
- Ms. Marion Lush, Etobicoke; and
- Mr. Paul King, Ministry of Citizenship, Culture and Recreation, Government of Ontario.

(The following attachments are on file in the City Clerk's Office, Etobicoke Civic Centre:

- (1) Attachment No. 2, "Kingsway Park Heritage Conservation District Plan", Attachment No. (4), "Kingsway Park Heritage Conservation District", and Attachment No. 3, "Kingsway Park Heritage Conservation District Guidelines", referred to in the foregoing report dated July 4, 2000, from the Director, Community Planning, West District, which was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on July 19, 2000;
- (2) Attachment No. 4, "Kingsway Park Heritage Conservation District Plan (Includes Guidelines – Appendices not included)", referred to in the foregoing report dated December 11, 2001, from the Director, Community Planning, West District, which was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on July 19, 2000; and
- (3) Attachments Nos. 1 to 12, referred to in the foregoing report dated May 28, 2001, from the Director, Community Planning, West District, which was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on January 30, 2002.)