

Clause embodied in Report No. 11 of the North York Community Council, as adopted by the Council of the City of Toronto at its meeting held on October 29, 30 and 31, 2002.

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**Authority to Enter into a Heritage Easement Agreement -
34 Avondale Avenue - Elihu Pease House -
Ward 23 - Willowdale**

(City Council on October 29, 30 and 31, 2002, adopted this Clause, without amendment.)

The North York Community Council recommends the adoption of the following report (September 25, 2002) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

This report requests City Council authority to enter into a Heritage Easement Agreement (HEA) with the owner of 34 Avondale Avenue.

Financial Implications and Impact Statement:

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

It is recommended that:

- (1) that authority be granted by Toronto City Council for the execution of an HEA under Section 37 of the *Ontario Heritage Act* with the owner of 34 Avondale Avenue, substantially in the form attached to the Section 37 Agreement registered in the Toronto Registry Office on March 7, 2002, as Instrument No. E515620, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Commissioner of Economic Development, Culture and Tourism, and subject to the following conditions:
 - (a) that prior to the execution of the HEA, the owner provide cost estimates for the interim maintenance and protection of the Elihu Pease House, and estimates adjusted for inflation for the relocation to and exterior rehabilitation of the house in its new location;
 - (b) the Owner will be fully responsible for the maintenance, protection, relocation, and preservation of the Elihu Pease House, at its present location of 34 Avondale Avenue and at its proposed new location at Blocks 4 & 5, Plan 66M-2354;

- (c) the Owner agrees to submit, prior to the relocation of the house, a record of the as-found condition of the structure and rehabilitation plans pertaining to the structure, to the satisfaction of the Manager of Heritage Preservation Services; and
- (2) that the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Toronto Preservation Board, at its meeting on June 27, 2002, considered this report and endorsed the staff recommendations noted above.

Elihu Pease was a figure of local historical significance who incorporated a blend of Regency and Gothic Revival styles when he constructed the Elihu Pease House in 1834. The house was originally located closer to Sheppard Avenue and was one of the clusters of buildings that formed the 19th century Village of Lansing. (see Attachment No. 3, Photograph)

In 1921, the main house was moved to its present location and the rear portion was allegedly moved to 17 Bales Avenue, (see Attachments No. 1 and 2, Key Plan and Location Plan, respectively).

On July 11, 1990, the former City of North York passed By-law No. 31251 to designate the Elihu Pease House, located at 34 Avondale Avenue, under the *Ontario Heritage Act*.

In September 1997, the Ontario Municipal Board (OMB) directed the City to draft site specific policies in the Downtown Secondary Plan section of the Official Plan that deals with the historic nature of the Elihu Pease House and provides for bonusing for its preservation within a development proposal or for its relocation to a suitable site that would enhance its preservation.

On November 27, 1997, the City of North York adopted Official Plan Amendment No. 442, which specifically relates to the Elihu Pease House, which states:

The Elihu Pease House may be relocated from these lands to an appropriate site satisfactory to the City provided that:

- (i) it is preserved and protected as a heritage building;
- (ii) its relocation and maintenance are the responsibility of the owner; and
- (iii) the technical specifications and procedures relating to its relocation are satisfactory to the City.

At its regular meeting on April 16, 1998, Toronto City Council approved in principle the receipt of a donation of an HEA on the property occupied by the Elihu Pease House, at 34 Avondale Avenue, under part IV of the *Ontario Heritage Act* and further directed staff to report back to Council on the enactment of an HEA at the appropriate time in the future.

In December 2001, a condition assessment for the Elihu Pease House was prepared by ERA Architects Inc., confirming that the house is generally well-maintained and that its proposed relocation to Blocks 4 and 5 would be appropriate.

A final staff report regarding the concurrent Zoning By-law Amendment applications, prepared by Community Planning, North District in January, 2002, confirms that a Section 37 Agreement will secure, among other matters, a requirement for the owners to post a Letter of Credit to cover the relocation costs of the house, execution of an HEA with the City, the need to remove the heritage designation from 34 Avondale Avenue, and the need to designate the lands where the house is being relocated. The Section 37 Agreement shall be executed before Council enacts any Bills.

On March 7, 2002, a Section 37 Agreement was registered as Instrument No. E515620, which authorizes an increase in the residential density of development not otherwise permitted by the applicable zoning, in return for the provision of such facilities, services and matters as the City may desire and specify. The conservation of the Elihu Pease House will be secured through a Heritage Easement Agreement, included as a condition of the Section 37 Agreement.

The owner of the Elihu Pease House has agreed to enter into an Heritage Easement Agreement with the City in respect of the relocation and maintenance of the house from 34 Avondale Avenue to Blocks 4 & 5, prior to the issuance of any building permit for Blocks 4 & 5.

Comments:

The Elihu Pease House is a rare survivor of the rural village of Lansing and is associated with important early North York settlers. Despite being relocated to 34 Avondale Avenue in 1921, and undergoing considerable alterations, it retains the scale and character of an Upper Canadian home and a vanished way of life.

The subject property is part of a block of land bounded by Anndale Drive, Tradewind Avenue, Avondale Avenue, and Bales Avenue, which has been designated for residential use and given a development density before bonusing of 3.5 FSI (three and one half times lot coverage) which will allow for medium and high-density residential development.

In order to accommodate this increase in density, future road widening along Avondale Avenue is proposed, which will have an impact on properties to the immediate north and south of the avenue. The Elihu Pease House is located immediately north of Avondale Avenue but in the Impact of the Environmental Study Report Addendum prepared in April 1998, by the City of North York Transportation Services, Works and Emergency Services, it was determined that the proposed road widening would not result in a physical impact on the Elihu Pease House at No. 34 Avondale Avenue.

The department has participated in the development of the strategy which acknowledges the development density afforded the so described block, the proposed road widening for Avondale Avenue, the designation of the Elihu Pease House under Part IV of the *Ontario Heritage Act*, the Official Plan Amendments pertaining to the heritage resource, the requirements of the owner,

and heritage preservation objectives, and are satisfied that a balance of the various interests will be met by the implementation of the recommendations contained in this report.

The overall intent for the interim and long-term conservation of the Elihu Pease House proposed by the applicant is acceptable in principle. In the interim, the house is understood to be in good condition and will continue to serve as a single-family dwelling. The owner will be responsible for the property's continued maintenance. The interim maintenance, relocation, and preservation of the house will be secured by the requirement for a Letter of Credit in the Section 37 Agreement.

Plans for the rehabilitation of the house will be provided prior to the issuance of any permits relating to its relocation. The rehabilitation will be secured by the requirement of a Letter of Credit in the HEA.

Conclusions:

The present owner of 34 Avondale Avenue (BBT Devgroup Inc.) has agreed to enter into a Heritage Easement Agreement with the City as a condition of the Section 37 Agreement. These agreements will provide for increased protection of the heritage property above and beyond the heritage designation that presently exists, and will also address certain site-specific preservation policies as directed by the OMB in September of 1997.

The department supports the proposed strategy for the interim and long-term protection of the Elihu Pease House in accordance with Section 3 of the Section 37 Agreement and subject to the conditions as described in this report.

Contact:

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(Attachments referred to in the foregoing report were forwarded to all Members of the North York Community Council with the agenda for its meeting on October 16, 2002; and copies thereof are on file in the office of the City Clerk, North York Civic Centre).

Mr. Adam Brown, Solicitor, of the law firm of Brown Dryer Karol, appeared before the North York Community Council in connection with the foregoing matter, on behalf of the owner of 34 Avondale Avenue.