



STAFF REPORT ACTION REQUIRED

7 Austin Terrace – Application to Demolish a Structure on a Designated Property Under Part IV of the Ontario Heritage Act

Date:	January 27, 2011
To:	Toronto and East York Community Council Toronto Preservation Board
From:	Acting Director, Policy & Research, City Planning Division
Wards:	St. Paul's – Ward 21
Reference Number:	P:\2011\Cluster B\PLN\HPS\TEYCC\February 16 2011\teHPS01

SUMMARY

This report recommends that City Council refuse the proposed demolition of the designated heritage property at 7 Austin Terrace. An application to demolish a designated structure on the designated property at 7 Austin Terrace (John B. Maclean House) has been submitted in addition to applications for minor variances, residential rental demolition and residential demolition.

City Council has stated its intention to designate this property under Part IV of the Ontario Heritage Act (OHA) in recognition of its cultural heritage value.

Under Section 34 of the OHA, Council must respond to a demolition application within 90 days from the issuance of a receipt of complete application. As of the date of this report, the application has not met all the application requirements set out under Section 103 of the Municipal Code. The applicant has been advised that certain materials remain outstanding. This report is being brought forward at this time in an abundance of caution to ensure that no legislative timelines lapse.

There is no justification for the demolition of the structure at 7 Austin Terrace. Demolition of this structure is not an appropriate or desirable outcome of the application to demolish.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for demolition of the designated property under Section 34 of the Ontario Heritage Act for the property at 7 Austin Terrace (John B. Maclean House)
2. If the owner appeals City Council's decision to refuse the application for demolition under Section 34 of the Ontario Heritage Act, Council authorize the City solicitor and the necessary City staff to attend at the Ontario Municipal Board hearing in opposition to the appeal.

Financial Impact

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

DECISION HISTORY

The Toronto and East York Community Council at its meeting of January 12, 2010, recommended the designation of 7 Austin Terrace (John B. Maclean house) in recognition of its cultural heritage value. The Toronto Preservation Board (TPB), at its meeting of January 21, 2010, also recommended the designation of this property.

At its meeting of January 26, 2010, City Council stated its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act. City Council's decision and the related staff report can be viewed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE30.96>

Related Applications

The applicant has submitted the following related development applications: Residential Rental Demolition Application under Municipal Code Chapter 667 & Residential Demolition Application under Municipal Code Chapter 363; Minor Variance application (A0504/09TEY) to permit the development of townhouses on the site and an application for Site Plan Approval. (09 158112 STE 21 SA).

The Residential Rental Demolition Application and the Residential Demolition Application are scheduled to be heard by the Toronto and East York Community Council on February 16, 2011.

The Minor Variances are scheduled to be heard by the Committee of Adjustment on February 23, 2011. The application for Site Plan Approval was submitted to the City on August 14, 2009 and has been appealed to the Ontario Municipal Board by the applicant.

ISSUE BACKGROUND

An application to demolish a designated structure has been submitted to demolish the structure on the designated property at 7 Austin Terrace (John B. Maclean House). Council has stated its intention to designate this property under Part IV of the Ontario Heritage Act (OHA) in recognition of its cultural heritage value. The property is owned by 162829 Ontario Limited.

Toronto City Council stated its intention to designate the property in January of 2010 after a Stop Order was issued by the then Minister of Culture, Aileen Carroll, in response to the removal of various attributes of the building by its owners. Initially built in 1910, the property was designated because it has compelling historical values for its associations with both John B. Maclean (1862-1950), the Toronto publishing icon who commissioned the building and occupied the premises for 40 years, and Canadian architect John M. Lyle, who designed the original part of the structure in the early years of his practice in the city. Contextually, the property is historically linked to the adjoining surviving residential estates, including Casa Loma, along the escarpment above Davenport Road.

Following the City Council meeting of January 26, 2010 when Council stated its intention to designate 7 Austin Terrace, the owner served a notice of objection to the intention to designate the property on the City and the matter was referred to the Conservation Review Board (CRB). After numerous pre-hearing meetings, the applicant withdrew their objection on December 9, 2010. Since the objection has been withdrawn and the objection period is now closed, staff is preparing the final designating bylaw and it is expected to be submitted to City Council at its February 7 and 8, 2011 meeting.

On December 9, 2010, representatives for the owner of the property applied to demolish the designated property. The application however was not accompanied by the documentation required for the application to be considered complete, including photographs of all elevations, and a building condition assessment. On December 17, 2010 additional photos were submitted, however they also did not satisfy the application requirements. On January 17, 2011 a further submission was made by the applicant completing the photographic requirements, however a building condition assessment report has not been submitted pursuant to section 103 of the Municipal Code despite numerous requests. No information has been provided by the applicant to suggest that the condition of the building should be a factor in determining whether a demolition permit should be issued.

COMMENTS

Cultural Heritage Value

When City Council stated its intention to designate the property at 7 Austin Terrace under Part IV, Section 29 of the Ontario Heritage Act in 2010, it adopted the staff report (January 5, 2010) that presented the background research for the site and the evaluation according to Regulation 9/06, the provincial criteria prescribed for municipal designation. As part of its review of the demolition application, staff have re-examined the cultural heritage values associated with the property and observe that the wood trim around the main (north) entrance, including the segmental arched pediment, has been removed since the designation report was prepared. Apart from this additional alteration, the site retains the values and attributes outlined in the Reasons for Designation.

City of Toronto Official Plan

The Official Plan policies on the demolition of heritage properties are found in Section 3.1.5 and state:

- Policy 1. Significant heritage resources will be conserved by:
 - a) listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties, designating them and entering into conservation agreements with owners of designated heritage properties.

- Policy 2. Heritage resources on properties listed on the City's *Inventory of Heritage Properties* will be conserved. A Heritage Impact Statement may be requested for development proposals on a property on the City's *Inventory of Heritage Properties*, and will be required where the development entails an amendment to the Official Plan and/or Zoning By-law. Development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes.

Provincial Policy Statement

Part IV of the PPS 2005 states that, "The Province's natural heritage resources, water, agricultural lands, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs.

The policy also states in section 2.6.1 that, *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Definitions of Conservation

The City of Toronto refers to the *Provincial Policy Statement 2005* and the *Standards and Guidelines for the Conservation of Historic Places in Canada* for guidance and definitions for conservation relative to its official plan and other applicable policies.

The PPS 2005 also defines conserved as, "the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment."

In March of 2008, the City of Toronto adopted the *Standards and Guidelines for the Conservation of Historic places in Canada* as the official Standards and Guidelines for all listed and designated properties on the city's inventory of heritage properties. The Standards and Guidelines define conservation as, "all actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve "preservation," "Rehabilitation," "Restoration," or a combination of these actions or processes. Reconstruction or reconstitution of a disappeared cultural resource is not considered conservation and is therefore not addressed in this document."

Demolition by Neglect

City Council has indicated by the adoption of the Heritage Property Standards bylaw that systemic neglect resulting in a need for demolition is not acceptable stewardship of designated heritage properties by their owners.

As previously highlighted, the application for demolition has not included the required building condition assessment as of the date of this report. However, a building condition assessment which indicates the building is in poor condition is not necessarily a rationale for demolition, but is indicative of outstanding stabilization and maintenance required for the property that is the responsibility of the owner.

Municipal Licensing and Standards will be asked to enforce the Heritage Property Standards bylaw as applicable if the designating bills are adopted by Council on February 7th, 2011.

Conclusion

In light of the identified cultural heritage values and significance of the property, and City Council's statement of intention to designate the property in January of 2010, a thorough review of policy has been completed and analysis of relevant submissions has been undertaken by Heritage Preservation staff in response to the application to demolish a designated structure under section 34 of the OHA.

It is the opinion of staff that there is no justification for the demolition of the structure at 7 Austin Terrace and that sufficient policy direction exists to advise City Council that demolition of this structure is not an appropriate or desirable outcome of the application to demolish.

A location map (Attachment No. 1) and photographs (Attachment No. 2) are included. The photographs show the property prior to alterations and following alterations by the owner in 2009. The Reasons for Designation (Attachment No. 3) includes a Description, the Statement of Cultural Heritage Value and Heritage Attributes of the John B. Maclean House.

Council's decision regarding the demolition application will be advertised on the City's web site in accordance with the City of Toronto Act provisions.

CONTACT

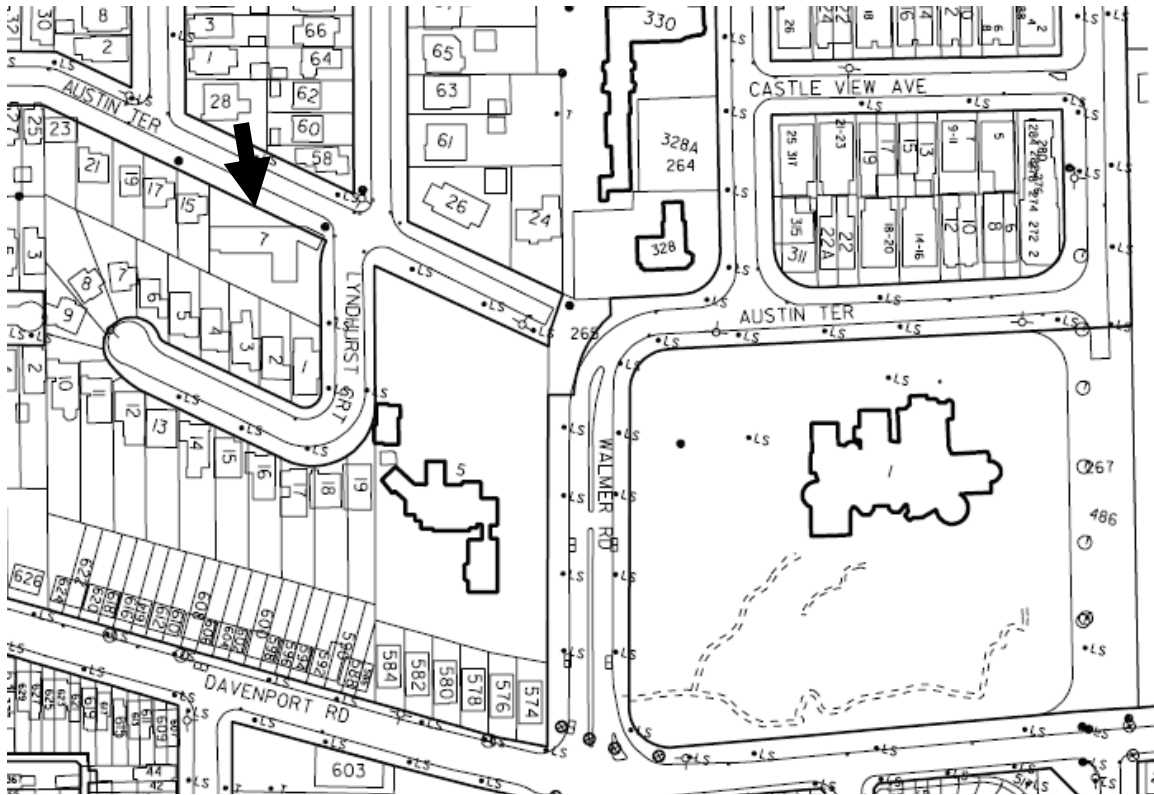
Mary L. MacDonald, Acting Manager
Heritage Preservation Services
Tel: 416-338-1079
Fax: 416-392-1973
E-mail: mmacdon7@toronto.ca

SIGNATURE

Kerri A. Voumvakis, Acting Director
Policy and Research
City Planning Division

ATTACHMENTS

Attachment No.1: Location Map
Attachment No. 2-2a: Photographs (2009 – prior to alterations and following alterations)
Attachment No. 3: Reasons for Designation



The **arrow** marks the location of the site.

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



Principal (north) façade - prior to alterations, 2009



Principal (north) façade - following alterations, 2009



Main entry (north façade) - following alterations, 2009

John B. Maclean House

Description

The property at 7 Austin Terrace is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the categories of associative and contextual value. Located on the south side of Austin Terrace near the foot of Lyndhurst Avenue, the John B. Maclean House (1910) is a 1½-storey house form building.

Statement of Cultural Heritage Value

The house form building at 7 Austin Terrace is historically associated with publisher John Bayne Maclean (1862-1950), a person of significance to the community, who occupied the building from its construction in 1910 until his death 40 years later. After working as a newspaper reporter and editor, in 1889 Maclean established a publishing company for trade journals and popular magazines that became the largest enterprise of its kind in the British Commonwealth. After moving to Austin Terrace, Maclean renamed an existing magazine Maclean's, which has been published continuously for over a century and remains the most recognized legacy of his career.

The John B. Maclean House is also connected to the important Canadian architect, John M. Lyle, who prepared the plans for the dwelling. After training at the Ecole des Beaux Arts and with prominent New York City architectural firms, Lyle established a solo practice in Toronto in 1905 where he quickly rose to prominence with his designs for the Royal Alexandra Theatre (1907) and Toronto's Union Station (designed in 1911-13 in association with Ross and Macdonald and Hugh G. Jones), as well as work with the Civic Improvement Commission (1911). Lyle prepared the plans for the 1910 section of the building at 7 Austin Terrace as the gatehouse or lodge for a suburban estate that Maclean did not complete (instead expanding the original building with a service wing and southeast addition by Mathers and Haldenby in 1934). The John B. Maclean House is significant for its association with the first phase of Lyle's career in Toronto when he accepted residential commissions from many prominent businessmen.

From a design perspective, the John B. Maclean House (1910) is a unique expression of Georgian Revival styling developed by Lyle during the early stages of his practice in response to this particular commission. Archival evidence reveals that Lyle was engaged to prepare plans for the gatehouse by combining two existing buildings beneath a Georgian Revival façade. Instead, the gatehouse was constructed of new materials, but Lyle's unusual design was retained. It displays Georgian Revival motifs in the roof features, dormer windows and classical detailing, yet the deliberate asymmetry with the

offset placement of the main entrance, the varied widths of the bays and the different-sized windows openings is an atypical application of the style.

Contextually, with its origin as a gatehouse or lodge for the Maclean estate, the property at 7 Austin Terrace is historically linked to the enclave of residential estates that developed along Austin Terrace, including the neighbouring Spadina (1866, with additions up to 1912), Henry Pellatt's Casa Loma (1909-13, with lodge and stables also extant), and Lenwil (designed and occupied by architect E. J. Lennox, 1913-15). The John B. McLean House contributes to the character of the neighbourhood where the group of large surviving estate houses and auxiliary buildings have a strong visual presence overlooking the city from the escarpment above Davenport Road.

Heritage Attributes

The heritage attributes of the property at 7 Austin Terrace are:

- The 1½-storey house form building completed in 1910
- The scale, form and massing of the structure with the 1½-storey rectangular plan
- The stucco cladding and wood detailing
- The gable roof with tall brick chimneys, gabled wall dormers with pediments, and a wood cornice
- The main entrance, which is asymmetrically placed on the north façade in a classical doorcase with columns, pilasters and an entablature with dentils beneath a segmental-arched pediment
- On the north façade, the flat-headed window openings with wood trim
- The covered porch with classical detailing on the west elevation
- The placement of the 1910 building on the south side of Austin Terrace