



## STAFF REPORT ACTION REQUIRED

### Demolition of a Designated Heritage Property within the Yorkville – Hazelton Heritage Conservation District and Construction of a Replacement Structure - 129 Hazelton Avenue

<b>Date:</b>	August 14, 2013
<b>To:</b>	Toronto Preservation Board Toronto East York Community Council
<b>From:</b>	Acting Director, Urban Design, City Planning Division
<b>Wards:</b>	Ward 27 - Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\HPS\TEYCC\September 10 2013\teHPS25

#### SUMMARY

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This report recommends that City Council refuse the demolition of a character building within the Yorkville-Hazelton Heritage Conservation District (YHHCD). The YHHCD plan does not allow any building to be demolished unless all four named criteria have been met. Although subject to neglect for number of years, the house at 129 Hazelton Avenue is consistent with the Victorian character of the YHHCD and is capable of rehabilitation. This property sits near the boundary of the HCD and provides a strong definition, representing the northern most original heritage fabric (the three other properties at the north end of the HCD have been demolished and replaced with new construction).

This report also recommends that the proposed replacement structure be refused.

## **RECOMMENDATIONS**

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

1. City Council refuse the proposed demolition of the designated heritage property at 129 Hazelton Avenue and refuse the associated replacement building, both under Section 42 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the demolition and replacement structure under Section 42 of the Ontario Heritage Act, City Council authorize the City Solicitor and appropriate 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 property at 129 Hazelton Avenue is part of the Yorkville-Hazelton Heritage Conservation District designated by City Council under By-law 622-2002 on August 1, 2002.

At the Toronto and East York Community Council on June 22, 2011, a report dated May 19, 2011, from the Director, Toronto Building, Toronto and East York District, headed "Residential Demolition Application - 129 Hazelton Avenue", was withdrawn at the request of the applicant.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE8.15>

### **ISSUE BACKGROUND**

The north boundary of the Yorkville-Hazelton Heritage Conservation District is drawn along the northern property line of 131 Hazelton Ave. This boundary lot is directly to the north of the subject property and the owner has obtained approval for a row house to be erected on the lot as an integral part of an approved ten storey condominium development at 195 Davenport Road. The approved low rise structure provides a transition down to 129 Hazelton Avenue which is the first character building at that beginning of the district.

Demolition was approved for the building at 131 Hazelton Avenue as a part of that application due to necessary soil remediation from previous uses of the adjacent site that included a dry cleaner and a gas station.

The Yorkville-Hazleton Heritage Conservation District Plan does not rate buildings or define them as contributing or non-contributing. Demolition is discouraged, but buildings

can be considered for demolition if it satisfies four criteria. Application has previously been made to Toronto Building to demolish 129 Hazelton Avenue due to poor condition. The residential demolition application was objected to by the owner of 120 Hazelton Avenue, who was also writing on behalf of his neighbours at 108, 114, 116a, 118, 125 and 126 Hazelton Avenue. The objection brought the matter before Toronto and East York Community Council and the applicant subsequently withdrew the application.

In association with this application, and upon review of a building condition assessment supplied by the applicant, a Toronto Building Inspector visited the property on May 10, 2011. At that time it was observed that the two storey dwelling required repairs based on exterior observations and should be referred to MLS property standards should the demolition permit not be issued. Parts of the exterior of the dwelling were recommended for immediate repair, specifically on part of the rear and front fascia, eaves and front porch.

The Building Inspector found no need to issue an Unsafe Conditions Order based on the condition of the building. The current application again seeks approval for demolition but this time under the provisions of the Ontario Heritage Act.

## **COMMENTS**

### **Proposal**

The proposal is to demolish the existing two storey building and replace it with a three storey brick structure that would occupy the full width of the lot, with the footprint being set back on the north Hazelton Avenue frontage to accommodate the parking of a car behind the building.

In support of the application the owner submitted the following documents:

- Heritage Impact Assessment, prepared by E.R.A. Architects Inc. dated December 20, 2012
- Health and Life Safety Inspection, prepared by Criterium-Jansen Engineers, dated March 27, 2013
- Property Condition Report, prepared by Criterium-Jansen Engineers, dated July, 2013
- Condition Assessment, prepared by E.R.A. Architects Inc. dated July 22, 2013

## **Policy Framework**

### **Official Plan**

Section 3.1.5 of the City of Toronto Official Plan directs that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties; designating properties; entering into conservation agreements with owners of heritage properties; and designating areas with a

concentration of heritage resources as heritage conservation districts. The Plan directs the adoption of guidelines to maintain and improve the character of such districts.

### **Provincial Policy Statement and Ontario Heritage Act**

In reference to the Province of Ontario's 2005 Provincial Policy Statement, Section 2.6.3 states: "Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

Under Section 42 of the Ontario Heritage Act, an owner must obtain a permit from the municipality to demolish or erect a property within an HCD. If Council refuses the application the owner may appeal the decision to the Ontario Municipal Board.

### **Yorkville-Hazelton Heritage Conservation District Plan (YHHCD Plan)**

The YHHCD Plan was adopted by City Council to be used as a guide to manage property alteration and development with a view to the preservation of the existing architectural character of the District and its streetscape. The Guidelines (Section 2) of the YHHCD Plan define the Heritage District Characteristics and set out standards in order to provide guidance to alterations and new development that will complement the existing character.

The district's predominant heritage character is described in the YHHCD plan as Victorian residential. It is also recognized in the Plan that sympathetic infill related to the emergence of Yorkville as a commercial/retail area also contributes to the character of the district.

The YHHCD Plan focuses primarily on reviewing alterations that are visible from a public vantage point and directs that the character of the District should reflect and reinforce the Hazelton "village" neighbourhood.

The Yorkville-Hazleton Heritage Conservation District Plan does not rate buildings or define them as contributing or non-contributing. Guidelines with respect to demolition and new construction are discussed within the comments section of this report.

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

On March 3, 4 and 5, 2008, Council adopted Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) as the document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>

## **COMMENTS**

### **Demolition in the YHHCD**

Section 2.3, Demolition in the Yorkville-Hazelton Heritage Conservation District Plan reads as follows:

"Demolition is discouraged, but to be considered for demolition a building in the District may be demolished if it meets the following criteria:

1. Poor condition, and
2. Minimal heritage value, and
3. Not essential to the heritage character of the area, and
4. The replacement building complies with the Guidelines and Zoning by-law."

The Guidelines prescribe that the four demolition conditions must be met without exception.

The intent of these conditions is to recognize the wide variety of building forms that form the collective history of the District. In addition to the grand Victorian houses along Hazelton Avenue, there are also more modest worker's cottages that occupied the east-west side streets. The District Plan states that the range in lot and house types within the area illustrates many important aspects of life in Toronto between the 1860s and 1890s, and "...along with building setbacks and street widths has an important impact on the character of the area."

Attachment No. 2 indicates that currently half of the properties in the area indicated at the north end of Hazelton have been demolished and replaced with new construction. Early demolitions occurred before the district came into force and before the Ontario Heritage Act was revised in 2005 to strengthen powers to deny demolition. As noted, 131 Hazelton Avenue has been demolished due to soil contaminants and remediation; it was also not a building with heritage character.

### **129 Hazelton Avenue – supporting documentation**

An April 3 2013 letter from the solicitors for 129 Hazelton Inc pursuant to Section 42(1) of the Ontario Heritage Act describes the home as being unsuitable for occupancy, the site underutilized and they conclude that structure "cannot be reasonably repaired or preserved." It is on that basis that a demolition permit is being sought. The related Property Condition Report prepared by Criterium Engineers concludes that structure has been compromised and would require extensive work to be rehabilitated. An estimate of the cost and scope of full rehabilitation of the building was also included as part of the submission (in the range of \$391,000 to \$488,000 depending on various factors).

The Condition Assessment prepared by E.R.A. Architects Inc. draws similar conclusions, stating that:

Much of the interior and exterior are in need of significant repair, refinishing or replacement to make the house habitable. Rehabilitation of the site would likely require significant interventions such as rebuilding of interior spaces, and removing and replacing all exterior wall cladding.

While heritage staff accepts both assessments that the existing Victorian-era house is in a compromised state of repair, we do not agree with the applicant's conclusion that repairing the designated property is unreasonable, nor do we see any evidence in E.R.A.'s condition assessment report to suggest that character-defining features of the building cannot be maintained as part of rehabilitation.

Further, cost estimates to implement a full rehabilitation of the existing building were provided but the cost of constructing a new building, or the partial rehabilitation of the existing building with a compatible addition, were not provided for comparison. Fundamentally, however, staff are concerned that the house has been left unprotected in such a way that has directly contributed to its degradation.

### **Demolition by neglect**

HPS is aware that the visual condition of 129 Hazelton Avenue has been the source of concern on the street for a number of years. For at least two years heritage staff has been engaged with reviewing various schemes for the property but none have satisfied plan requirements with respect to demolition. As discussions have continued, so too has the erosion of the building's physical integrity.

Heritage staff are alarmed that when comparing E.R.A.'s December 2012 Heritage Impact Assessment (HIA) with March 1, 2013 images contained in the Criterium-Jansen Engineers Health and Life the previously intact roof surface has suffered significant damage of an indeterminate origin.

The comparison shown in Attachment Nos. 4-6 clearly show that the roof slope has a substantial opening which is further evidenced by interior roof photos that reveal an opening directly to the sky. The wood member visible on the rear slope of the house would appear to be consistent with the resultant damage caused by an upward force applied from inside the attic space. The earlier photos indicate the same location as housing an intact roof vent.

Further, page 6 of the E.R.A. Condition Assessment (July 2013) discusses water damage related issues and recognizes that the broken glazing of the basement windows could be replaced or the window openings covered temporarily to avoid animal or water infiltration. The grade around the basement windows is also judged to be too high, a condition which is also easily remediated. Of more significant impact is the image contained on Attachment No. 5 which shows that the eavestrough and downspout from southern slope of the rear wing was never reconnected and this has allowed any water

falling on the south face of the slope to discharge directly down the side of the rear wing against the foundation wall. Similarly, March 1 photos show windows open to the elements when the empty building should have been properly secured. All of these factors contribute to staff's assessment that the designated building has not been properly protected and, worse, has suffered roof damage that could only have occurred with human intervention from inside the house.

Heritage staff feels strongly that claims about the reasonableness of rehabilitation should not be accepted where there has been passive or active neglect, either on the part of previous or current owners.

For the reasons stated above, and due to the fact that the subject property represents the defining Victorian residential heritage character of the YHHCD and is essential due to its location near the district boundary and its status as a sole survivor at the northern edge, Staff concludes that the four criteria for demolition have not been satisfied.

### **Replacement Structure**

Section 2.4, New Buildings in the YHHCD Plan reads as follows:

New buildings within the district must be compatible in character, form, massing and location on the site. It is important that new buildings are distinguishable, but in harmony with, their neighbours.

The proposed replacement structure represents a complete departure from the nature of the existing building in scale and design and would only be considered in the event that demolition of the existing structure could be justified.

### **CONCLUSIONS**

Although the Victorian house form building at 129 Hazelton Avenue has been subject to neglect for several years, the applicant has not adequately demonstrated that it is incapable of rehabilitation. The existing building is a good example of Victorian residential architecture, which is the basis of the defined heritage character of the district. The building is essential to defining the northern edge of the district because it is the last Victorian era building on the east side of Hazelton near the district boundary and, finally, as demonstrated by the necessity of requested variances, the replacement building does not comply with the Zoning By-law.

While staff understands that some street residents are tired of seeing this old, orphaned house, the heritage protection afforded by the YHHCD Plan requires the owner to work with character buildings and not demolish them.

The four YHHCD requirements for demolition have been not satisfied and staff therefore recommend against approving the demolition.

## **CONTACT**

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

## **SIGNATURE**

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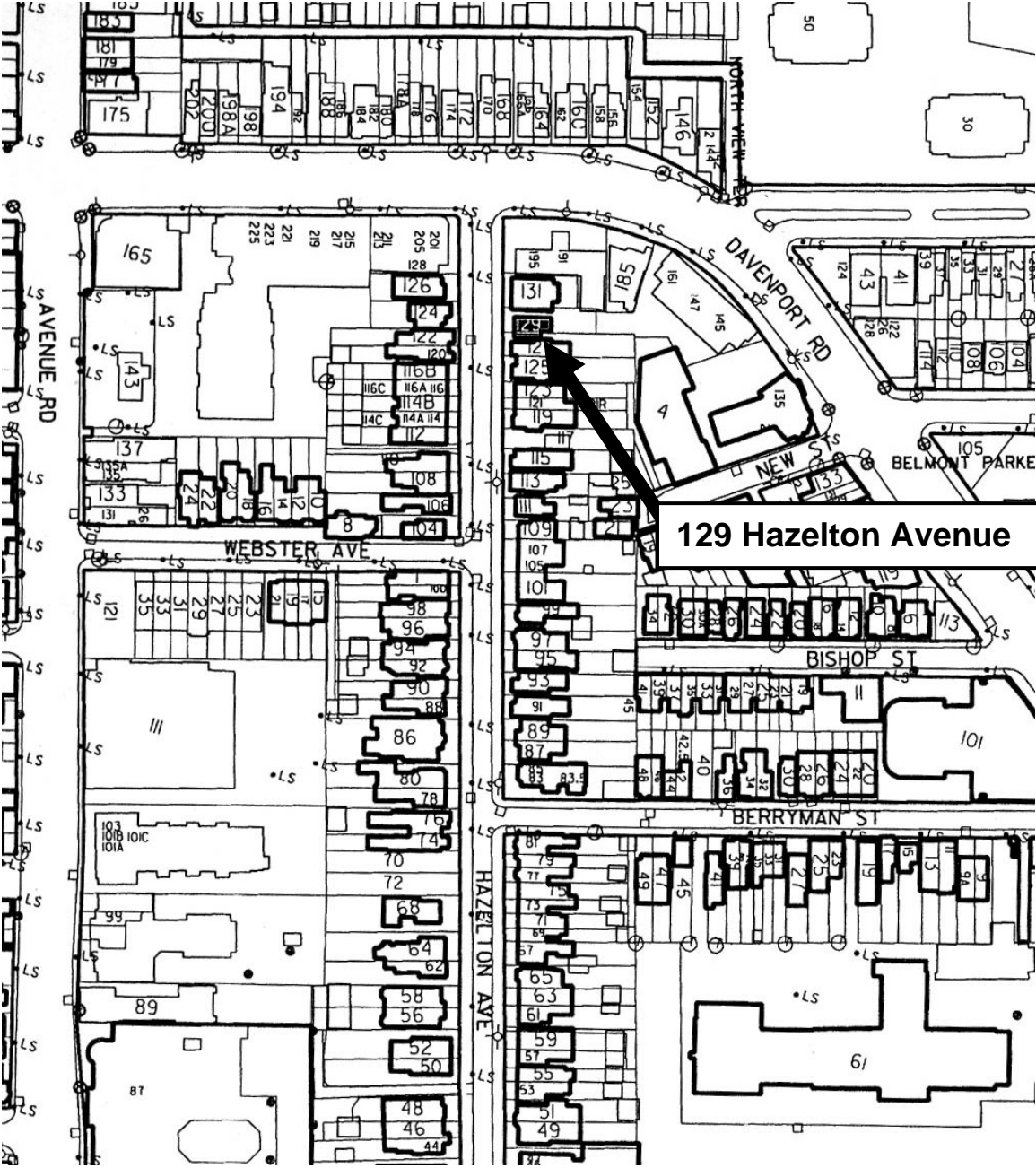
James Parakh  
Acting Director Urban Design  
City Planning Division

## **ATTACHMENTS**

- Attachment No. 1 – Location map
- Attachment No. 2 – Demolition – North end of Hazelton Avenue
- Attachment No. 3 – Current condition
- Attachment No. 4 – 2012 HIA photos
- Attachment No. 5 – Health and Life Safety report photos
- Attachment No. 6 – Previous context and approved context
- Attachment No. 7 – Proposed replacement structure drawings
- Attachment No. 8 – Proposed replacement structure drawings
- Attachment No. 9 – Proposed replacement structure drawings
- Attachment No. 10 – Proposed replacement structure drawings
- Attachment No. 11 – Proposed replacement structure drawings



LOCATION MAP: 129 HAZELTON AVENUE



This location map is for information purposes only



CURRENT CONDITION: 129 HAZELTON AVENUE



2012 HIA PHOTOS: 129 HAZELTON AVENUE

Consistent asphalt shingle roof surface




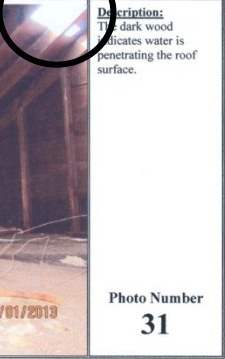

West (Hazelton) elevation

Consistent asphalt shingle roof surface with roof vent in place



East (rear) elevation

PHOTOS MARCH 1, 2013: 129 HAZELTON AVENUE

<p>Substantial opening in asphalt shingle roof surface Window left open</p>		<p><b>Description:</b> Front view.</p> <p><b>Photo Number</b> <b>1</b></p>	
<p>Roof left open to sky</p>	 <p><b>Description:</b> The dark wood indicates water is penetrating the roof surface.</p> <p><b>Photo Number</b> <b>31</b></p>		<p><b>Description:</b> Rear view.</p> <p><b>Photo Number</b> <b>2</b></p>

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129 Hazelton Avenue, Toronto, Ontario

Circles indicate where damage is evident in roof not present in previous Attachment No.4

PREVIOUS CONTEXT AND APPROVED CONTEXT



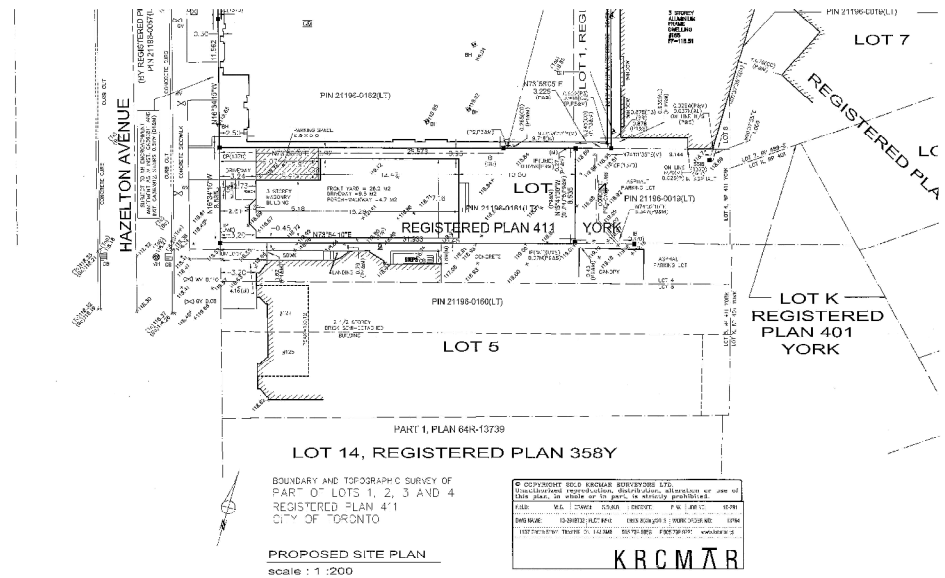
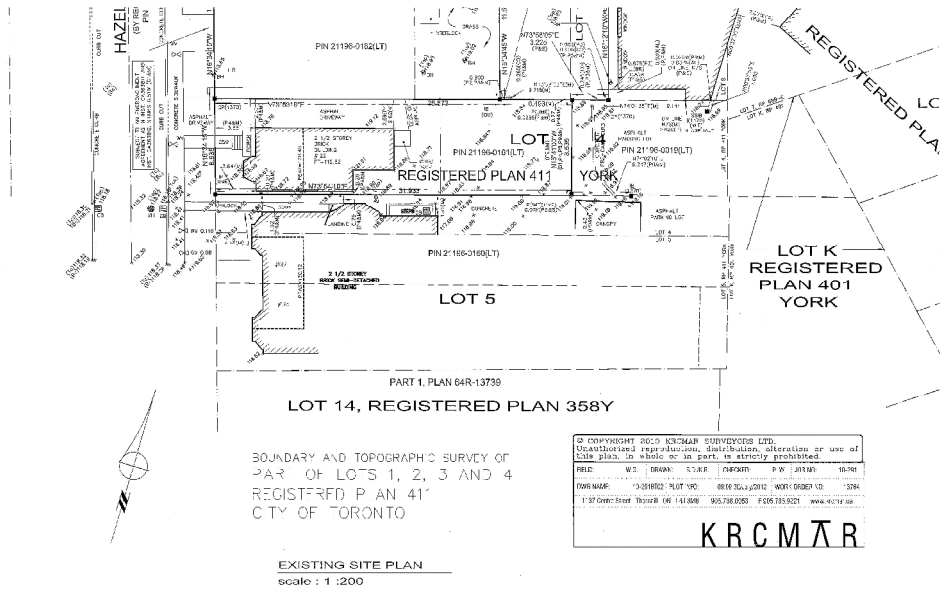
Context view of Hazelton Avenue prior to demolition of 131



Existing west elevation in new streetscape

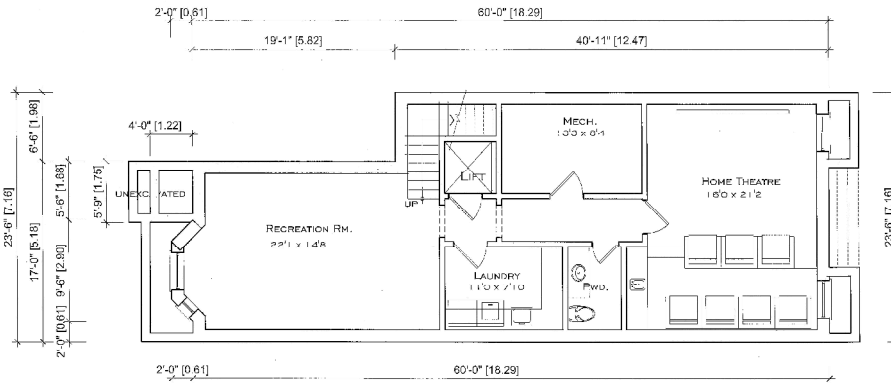
195 Davenport development to the north – incorporating new 131 Hazelton Avenue design

PROPOSED REPLACEMENT STRUCTURE  
129 HAZELTON AVENUE



PROPOSED REPLACEMENT STRUCTURE  
129 HAZELTON AVENUE

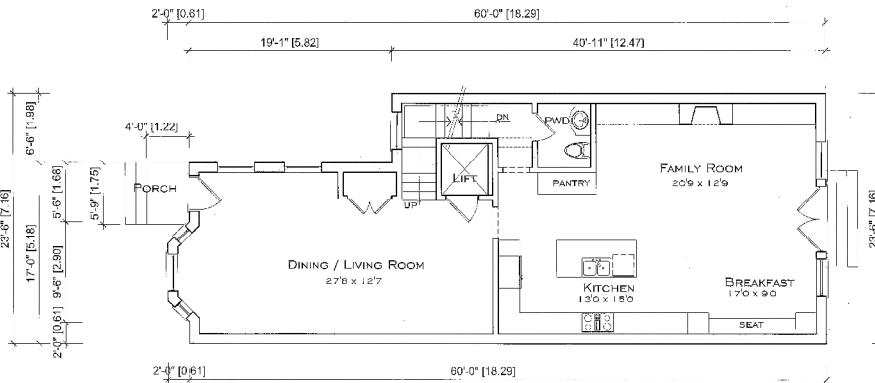
129 HAZELTON AVE.  
Toronto, Ontario  
Project # 12-30



**BASEMENT FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



129 HAZELTON AVE.  
Toronto, Ontario  
Project # 12-30



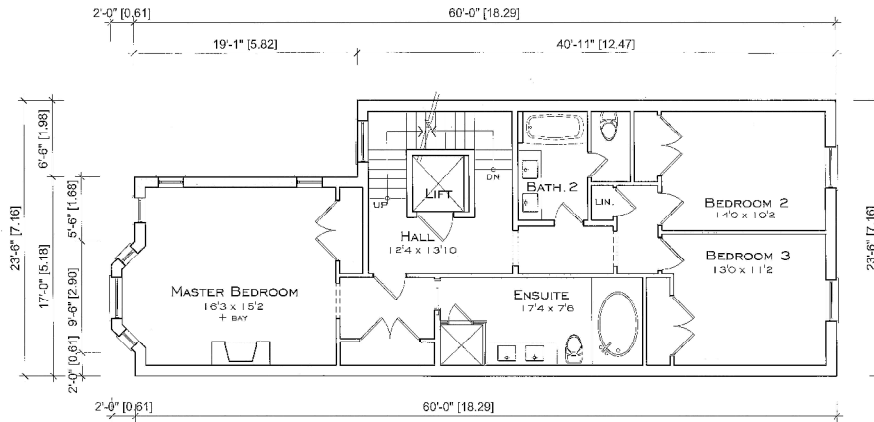
**GROUND FLOOR PLAN**  
SCALE: 3/16" = 1'-0"  
GFA = 1,301 S.F.  
TOTAL GFA = 3,207 S.F. (112.1 %)





PROPOSED REPLACEMENT STRUCTURE  
129 HAZELTON AVENUE

129 HAZELTON AVE.  
Toronto, Ontario  
Project # 12-30

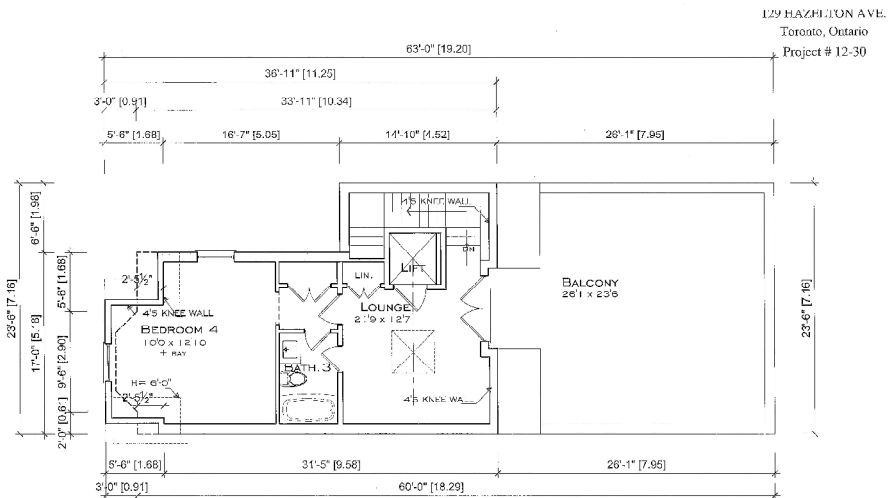


SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"  
GFA = 130 S.F.



1230 - DESIGN 20 PAL 4  
MARCH 7, 2013



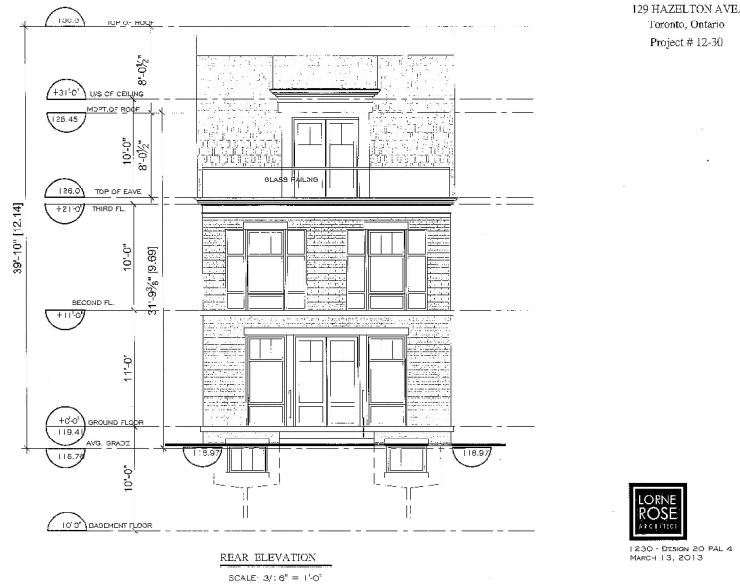
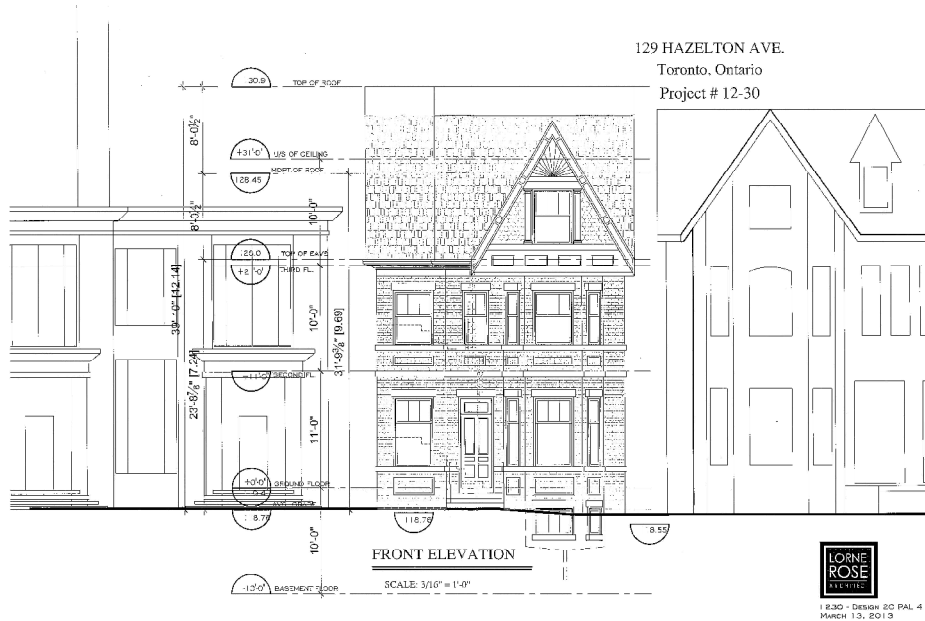
THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"  
GFA = 225 S.F.



1230 - DESIGN 20 PAL 4  
MARCH 7, 2013

PROPOSED REPLACEMENT STRUCTURE  
129 HAZELTON AVENUE



PROPOSED REPLACEMENT STRUCTURE  
129 HAZELTON AVENUE

