



## STAFF REPORT ACTION REQUIRED

### Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement – 131 Farnham Avenue

<b>Date:</b>	July 16, 2015
<b>To:</b>	Toronto Preservation Board Toronto and East York Community Council
<b>From:</b>	Director, Urban Design, City Planning
<b>Wards:</b>	St. Paul's – Ward 22
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\TEYCC\TE15088

#### SUMMARY

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This report recommends that City Council amend the former City of Toronto By-law No. 10-77 designating the property at 131 Farnham Avenue under Part IV, Section 29 of the Ontario Heritage Act, and give authority to amend the existing Heritage Easement Agreement (HEA) with the owner to ensure a comprehensive heritage protection framework for the property. The house was listed on the inaugural City of Toronto Inventory of Heritage Properties (now known as the Heritage Register) in 1973. The house was designated under Part IV, Section 29 of the Ontario Heritage Act in 1977. The gates were listed on the Heritage Register in 1984. A HEA protecting the historic house was registered on the property in 1995.

The property now known as De La Salle College "Oaklands" contains Oaklands (the historic John Macdonald house dating from 1860), the stone gates (1860s), the gatekeeper's house (1908), the De La Salle College building (1949) and the landscape of the historic Oaklands estate, which includes the escarpment of the ancient Lake Iroquois shoreline.

The property at 131 Farnham Avenue is currently subject to a re-zoning application to allow the building of six blocks of townhouses with a total of 28 units on the south-western corner of the property. Staff is recommending amendment to the 1977 designation by-law to identify the cultural heritage values and heritage attributes of the entire property, which requires revising the Reasons for Designation in accordance with the 2005 changes to the Ontario Heritage

Act. Staff is also recommending amendment to the HEA so that it is consistent with the attributes identified in the amended by-law.

## **RECOMMENDATIONS**

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

1. City Council state its intention to amend the former City of Toronto By-law No. 10-77 to revise the Reasons for Designation as described in the Statement of Significance: 131 Farnham Avenue, Attachment 4 to the report (July 16, 2015) from the Director, Urban Design, City Planning Division to identify the cultural heritage value or interest and describe the heritage attributes.
2. If there are no objections to the proposed amendment in accordance with the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council amending designating By-law No.10-77.
3. If there are objections in accordance with the Ontario Heritage Act, City Council direct the City Clerk to refer the proposed amendment to the Conservation Review Board.
4. If the proposed amendment is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision to amend the designating by-law.
5. City Council include the views identified in this report in an amendment to the Official Plan Public Realm Policy, Section 3.1.1., Schedule 4.
6. City Council authorize the City Solicitor to amend the existing HEA, registered on title for the heritage property at 131 Farnham Avenue, Instrument No. CA332829, dated 15 February, 1995 and on file with the Manager, Heritage Preservation Services.
7. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the HEA.

### **Financial Impact**

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

## **DECISION HISTORY**

The property at 131 Farnham Avenue was listed on the inaugural City of Toronto Inventory of Heritage Properties on June 20, 1973 and designated under Part IV, Section 29 of the Ontario Heritage Act by former City of Toronto By-law No. 10-77 on January 17, 1977. The property identified within the designating by-law includes only a portion of the property and is limited to a 20' perimeter around the Macdonald house and the

attached Brothers' Residence. The designating by-law states, "In streetscape terms, the building is the eastern most house of the series that crown the escarpment above Toronto and its open gardens provide important green space in the area."

On March 5, 1984, the stone gates (now known as 45 Oaklands Avenue and previously as 351 Avenue Road) were included on the Heritage Register for architectural, historical and contextual reasons.

A Heritage Easement Agreement protecting the exteriors and interiors of Oaklands, also known as the Macdonald House, was registered on title on February 15, 1995.

At its meeting on December 4, 2014, the Toronto and East York Community Council requested the Acting Manager of Heritage Preservation Services to prepare a report to amend City of Toronto By-Law 10-77 to describe the cultural heritage values and attributes of the property to be in accordance with the Ontario Heritage Act Regulation 9/06 (O. Reg. 9/06), including additional cultural heritage values and attributes that may be associated with the property.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE2.15>

### **Official Plan**

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2013 enacting these policies was appealed to the Ontario Municipal Board. OMB issued a decision on May 12th for appeals of the Official Plan Amendment 199 giving approval of City of Toronto's Official Plan Heritage Policies except for those site-specific appeals that remain outstanding to this decision. HPS has considered the evaluation of the property within the context of these policies and specifically refers to the policies regarding views of heritage properties and natural heritage.

<http://www.toronto.ca/legdocs/bylaws/2013/law0468.pdf>

OPA 199, Section 3.1.1 The Public Realm is amended with the following policies:

Policy 10. Views from the public realm to prominent buildings, structures, landscapes and natural features identified on Maps 7a and 7b are important and are described in Schedule 4. Additional views from the public realm to prominent buildings, structures, landscapes and natural features may be added to Maps 7a and 7b through amendment to the Official Plan.

SIDEBAR: Maps 7a and 7b identify a selection of important views across the City, however this selection of views is not exhaustive. These maps are living documents which may be added to or modified from time to time, through an Official Plan Amendment.

In Section 3.1.5 it is stated: "The conservation of natural heritage is also an important element of heritage conservation in Toronto. The Official Plan provides for the conservation of Toronto's urban forest, ravines and river valleys in policies

protecting the Natural Heritage System contained in Section 3.4 and Map 9 of the Plan. (Map 9 identifies the Lake Iroquois ridge at Oaklands)

[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/9\\_nat\\_heritage\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/9_nat_heritage_dec2010.pdf)

At its meeting of July 19, 20, 21 and 26, 2005 City Council adopted the *Archaeological Master Plan – Interim Screening of Development Applications and Proposals City Wide – All Wards*. The Master Plan identified the Lake Iroquois ridge, including the De La Salle property as having archaeological potential

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050719/plt6rpt/cl001.pdf>

[http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/masterplan\\_arc.resources.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/masterplan_arc.resources.pdf) (p.14)

## **ISSUE BACKGROUND**

The designating By-law 10-77 and HEA are outdated and lack sufficient identification and protection of the cultural heritage value of the property under the Ontario Heritage Act. The property at 131 Farnham Avenue includes properties now known as 45 Oaklands Avenue and formerly known as 351 and 381 Avenue Road. When City Council approves the amendment of the designating by-law, a new survey will include all of the lands identified under these addresses. Following Part IV designation staff will negotiate a revised HEA with the property owner.

## **COMMENTS**

A location map (Attachment No. 1) and photographs (Attachment No. 2) are attached, as well as the Heritage Property Research and Evaluation Report (Attachment No. 5) that identifies and evaluates the property at 131 Farnham Avenue.

The Reasons for Designation from former City of Toronto By-law No. 10-77 are found in Attachment No. 3, with the amended Statement of Significance (Reasons for Designation) as Attachment No. 4. The 2015 revisions contain the statement of cultural heritage value and the heritage attributes relating to O. Reg. 9/06 the provincial criteria prescribed for municipal designation following the 2005 amendments to the Ontario Heritage Act.

Following research and evaluation according to O. Reg. 9/06, it has been determined that the entire property at 131 Farnham Avenue, known as De La Salle College Oaklands, and originally known as the Oaklands house and estate which has been a prominent landmark on the ridge at Avenue Road for over 150 years, has design, associative and contextual value and associated heritage attributes and therefore the designation by-law should be amended accordingly.

Staff have determined that the property, De La Salle College Oaklands has design and physical value. As one of the last two surviving Victorian houses of the series which was constructed on the edge of the Lake Iroquois shoreline escarpment above Toronto, Oaklands is a rare example. Its design and physical value is evident in the high degree of

craftsmanship and artistic merit as a High Victorian Gothic Revival house. It also displays artistic merit in the original picturesque setting of the house which, with the gates (1860s), the arrival route through the estate and the ascent up the escarpment with the variety of views created of the estate's landscape and gardens as well as towards the lake and the city, expresses the Picturesque Movement in landscape design.

During the McCormick's occupation, the later addition of the gatekeeper's house (1908) was designed in a picturesque style and the redevelopment of the driveway up the slope further enhanced the design value of the original setting. Under the current ownership of the Christian Brothers, the De La Salle College Oaklands building (1949) was constructed and is valued as a well-crafted example of mid-twentieth century Neo-Classical style, seen in the symmetrical composition and minimal, reinterpreted Neo-Classical details which are combined with modern elements such as glass block and sculptural relief panels of football players. The 1949 school building's location on the east side is part of the transformation of the upper terrace to an independent secondary school campus with central gardens enclosed by the Oaklands house and additional school buildings.

The reinforcement of the central dell and gardens as the campus focus provides views from Avenue Road including the west face of the De La Salle College Oaklands building and the north and west elevations of Oaklands house. The southern field has evolved in its design from pastoral and agricultural through to leisure and educational uses for a variety of individuals and communities.

The property is also valued for its association with important historical figures and institutions of both local and international significance. It is associated with the Senator John Macdonald, who was a prominent innovative businessman, a politician who was appointed a senator in 1887, a Methodist preacher and generous benefactor of numerous causes. It is also associated with the American entrepreneur Cyrus H. McCormick who was lauded for his inventions of mechanical farm machinery, and his daughter, Mary V. McCormick, a generous philanthropist in both Canada and the United States, whose contributions in Toronto are still evident in the Mary McCormick Recreation Centre and Park. It is also valued for its association with St. Jean-Baptiste De La Salle, the patron saint of teachers who in 1680 established the Christian Brothers, an international community dedicated to education which arrived in Canada in 1837. The Brothers arrived in Toronto in 1851 establishing schools, named for De La Salle, in various locations until settling at Oaklands in 1931. Finally, the property is valued for its association with a series of important Toronto architectural practices: William Hay, Gundry and Langley, Darling and Pearson, Gordon and Helliwell and James H. Haffa.

Contextually, De La Salle College Oaklands is a landmark on Avenue Road defining the character of the neighbourhood where the property is historically, visually, physically and functionally linked to its surroundings. This includes the Lake Iroquois shoreline escarpment, which crosses the estate and has important geological, archaeological, and natural heritage value that is significant to Toronto's history. Views from Avenue Road and from Oaklands Avenue through the gates include the open playing fields, the

escarpment and the south elevation of Oaklands. Views from Avenue Road of the upper terrace include the north and west elevations of Oaklands and the west elevation of De La Salle Oaklands as well as the open space, trees and plantings. (See Attachment 2)

## **CONTACT**

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## **SIGNATURE**

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City Planning Division

## **ATTACHMENTS**

Attachment No. 1 – Location Map  
Attachment No. 2 – Photographs  
Attachment No. 3 – Current Reasons for Designation (former City of Toronto By-law 10-77) and Heritage Easement Agreement: Reasons for Identification (1995)  
Attachment No. 4 – Statement of Significance (Reasons for Designation, 2015)  
Attachment No. 7 – Heritage Property Research and Evaluation Report:  
Part 1 - Text  
Part 2 - Images