



REPORT FOR ACTION

Inclusion on the City's Heritage Register – 37, 39, 41 and 43 Mutual Street and Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 37 Mutual Street

Date: July 13, 2018
To: City Council
From: Chief Planner and Executive Director, City Planning
Wards: 27 - Toronto Centre-Rosedale

SUMMARY

This report recommends that City Council include the properties at 37, 39, 41 and 43 Mutual Street on the City of Toronto Heritage Register and state its intention to designate the property at 37 Mutual Street under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value. This row of four properties, completed together in 1890, contain two-and-a-half-storey brick row houses designed in the Second Empire style and located on the east side of Mutual Street between Shuter Street and Queen Street East in the Garden District neighbourhood.

Following research and evaluation, it has been determined that the properties at 37, 39, 41 and 43 Mutual Street meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, which the City of Toronto also applies when evaluating properties for its Heritage Register.

The portion of the Garden District west of Jarvis Street comprises an area experiencing intense change and ongoing redevelopment pressure, with a number of large-scale projects being constructed or proposed. These row houses and the adjacent heritage properties contribute to an understanding of the historical character of Mutual Street.

Properties on the Heritage Register will be conserved and maintained in accordance with the Official Plan Heritage Policies.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council include the properties at 37, 39, 41 and 43 Mutual Street on the City of Toronto's Heritage Register, in accordance with the Statement of Significance (Reasons for Inclusion): 37, 39, 41 and 43 Mutual Street attached as Attachment 3 to the report (July 13, 2018) from the Chief Planner and Executive Director, City Planning.
2. City Council state its intention to designate the property at 37 Mutual Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance (Reasons for Designation): 37, 39, 41 and 43 Mutual Street attached as Attachment 4 to the report (July 13, 2018) from the Chief Planner and Executive Director, City Planning.
3. If there are no objections to the designations in accordance with Section 29(6) of the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the bill in Council designating the property at 37 Mutual Street under Part IV, Section 29 of the Ontario Heritage Act.
4. If there are objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the designation to the Conservation Review Board.
5. If the designation 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 on the designation of the property.

FINANCIAL IMPACT

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

DECISION HISTORY

The properties at 37, 39, 41 and 43 Mutual Street contain four row houses dating to 1890. In 2012, the owners of 37 Mutual Street nominated their property for Part IV Designation under Section 29 of the Ontario Heritage Act. In 2017, the owners reiterated their interest in protecting their property at 37 Mutual Street and hired a heritage consultant to prepare a Cultural Heritage Evaluation Report.

COMMENTS

City staff requested the consultant evaluate the entire row of four row houses, to be consistent with City practices.

Staff have examined the properties and determined that they have cultural heritage value and recommend that City Council include the properties at 37, 39, 41 and 43 Mutual Street on the City of Toronto's Heritage Register, but does not recommend that City Council state its intention to designate the individual properties at 39, 41 and 43 Mutual Street under Part IV, Section 29 of the Ontario Heritage Act at this time.

Listing on the City's Heritage Register

Pro-active listing of properties is intended to give greater clarity to property owners with regards to the City's interest and the application of Official Plan policies. The primary aim will be to achieve an informed, timely listing of properties in tandem with local area studies. An understanding and articulation of contextual value will be prioritized and, where information is readily available, additional values may be identified. The multiple-listing process is an efficient and effective practice that balances the need to respond to growth within Toronto with the need to account for the cultural heritage value that adds character to our neighbourhoods.

Non-designated listed properties do not have any protection under the Ontario Heritage Act, except insofar as an owner must give the City a 60-day notice of his or her intention to demolish the listed property. Listing does not trigger maintenance requirements over and above existing property standards, it does not allow the City to withhold a building permit for non-demolition related alterations and it does not preclude a property from undergoing renovation or development.

A location map (Attachment 1) and photograph (Attachment 2) are attached. Staff have completed the attached Heritage Property Research and Evaluation Report (Attachment 5) for the properties at 37, 39, 41 and 43 Mutual Street and determined that they meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, which the City also applies when considering properties for its Heritage Register.

Following research and evaluation according to Regulation 9/06, it has been determined that the properties at 37, 39, 41 and 43 Mutual Street have design, associative and contextual values. The four Second Empire-style brick row houses, completed in 1890, are the only surviving group of two-to-three storey dwellings remaining on the block south of Shuter Street, a type that initially defined much of Mutual Street between Queen Street East and Carlton Street in the last quarter of the 19th century. The row house type is represented in the two-and-a-half storey building on a raised basement. Combined with the alternating pattern of each dwelling, the articulation of the vertical bays on the principal (west) elevations creates a pleasing massing pattern that unifies the group.

The four properties are valued for their association with Jackson A. McBurney and Joseph Saunders, two speculative builders who developed several groups of row houses in the immediate vicinity. As rare and well-preserved remnants of late-19th century Second Empire style dwellings built for the city's new middle class, their scale, form and massing, as well as their details have contextual value in defining, supporting and maintaining the continuity of the historic character of this section of the Garden District, west of Jarvis Street.

The Reasons for Designation (Statement of Significance) found in Attachment 4 are the Public Notice of Intention to Designate the property at 37 Mutual Street and will be advertised on the City of Toronto's web site in accordance with the City of Toronto Act provisions and served on the property's owners and on the Ontario Heritage Trust according to the provisions of the Ontario Heritage Act.

CONTACT

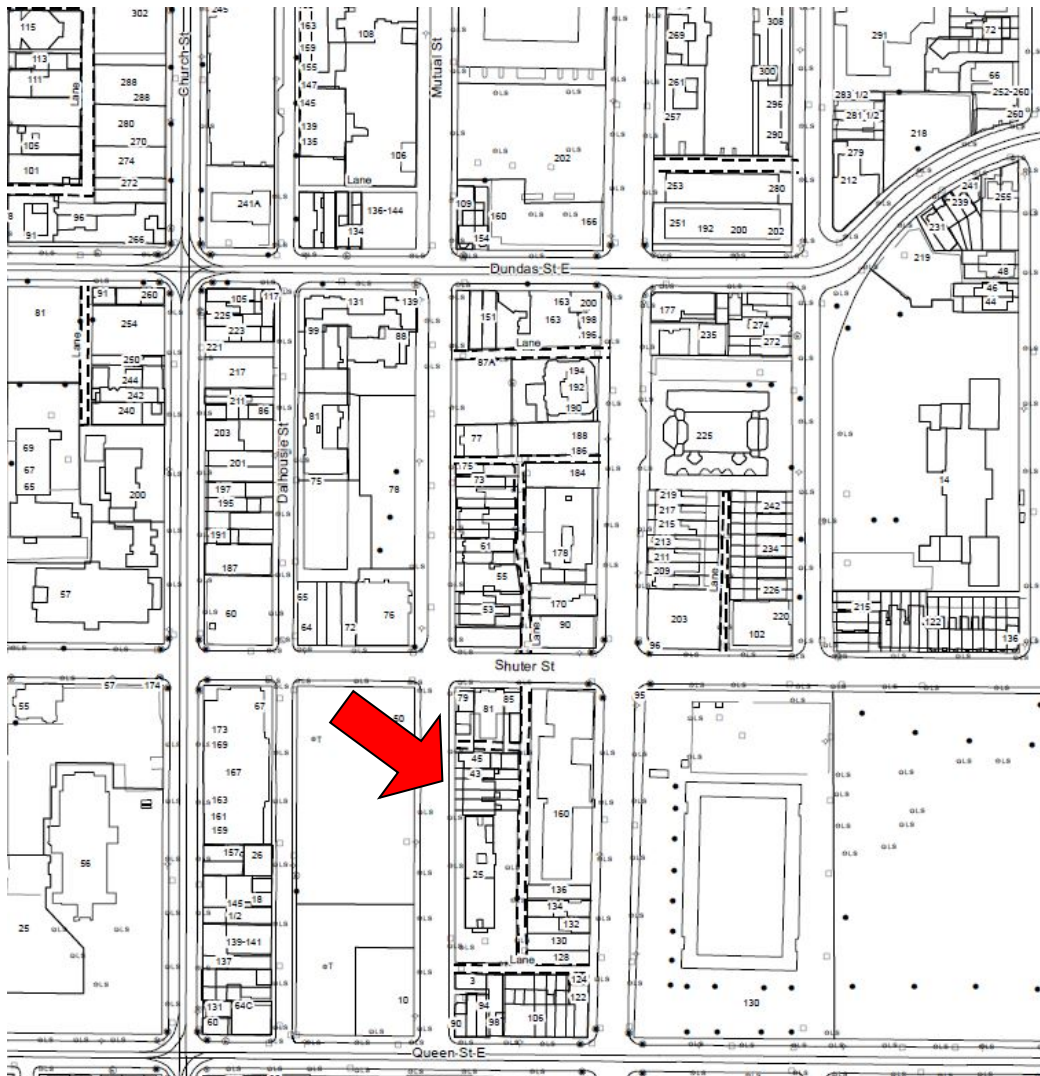
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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Photographs
Attachment No. 3 – Reasons for Inclusion (Statement of Significance): 37, 39, 41 and 43 Mutual Street
Attachment No. 4 – Reasons for Designation (Statement of Significance): 37 Mutual Street
Attachment No. 5 – Heritage Property Research and Evaluation Report



This location map is for information purposes only; the exact boundaries of the site are not shown. The properties at 37, 39, 41 and 43 Mutual Street are indicated by the red arrow.



Photograph showing the principal (west) elevations of the four row houses, located on the east side of Mutual Street (CBCollective, 2018)



Photograph showing the principal (west) elevations of 37, 39, 41 and 43 Mutual Street, looking southeast (CBCollective, 2018)

STATEMENT OF SIGNIFICANCE:
37, 39, 41 & 43 MUTUAL STREET
MCBURNEY & SAUNDERS ROW HOUSES
(REASONS FOR INCLUSION)

ATTACHMENT 3

The properties at 37, 39, 41 and 43 Mutual Street are worthy of inclusion on the City of Toronto's Heritage Register for their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, which the City of Toronto also applies when evaluating properties for its Heritage Register.

Description

Located on the east side of the street south of Shuter Street and adjacent to the mid-19th century heritage properties at 79, 81 and 85 Shuter Street in the Garden District neighbourhood, the properties at 37, 39, 41 and 43 Mutual Street contain four two-and-a-half-storey Second Empire-style row houses that were completed in 1890 by developers Jackson A. McBurney and Joseph Saunders, and first occupied by members of the city's new middle class.

Statement of Cultural Heritage Value

The row houses at 37, 39, 41 and 43 Mutual Street are valued for their design and construction which display a high degree of craftsmanship and artistic merit. They are also valued as fine examples of the Second Empire Style, which was featured in some of the grand estates on the adjacent Jarvis Street, and emulated in the design of middle-class row houses on neighbouring streets like Mutual Street. The elements of the style are seen primarily in the Mansard roof and in the rich elaboration of well-preserved brickwork and wooden architectural elements evident at the windows and cornices. The row house type is represented in the two-and-a-half storey building on a raised basement. Other features of the group include the round-arched main entrance, set to one side, with the similarly round-arched window adjacent at the first floor level. Combined with the alternating pattern of each dwelling, this articulation creates a pleasing massing pattern that unifies the group. Within the Garden District the group of four dwellings at 37, 39, 41 and 43 Mutual Street comprise a very well-preserved example of this aspirational row house type that emerged in the last quarter of the 19th century as representative of the tastes and means of the city's new middle class.

The properties have associative value for their contribution to an understanding of the historical development of this part of the Garden District neighbourhood, which was transformed through John G. Howard's late 1840s design from a single family estate to a dense urban neighbourhood. Initially the properties were a part of one of the series of hundred acre Park Lots, created with the founding of the town of York in 1793 and granted to the influential Jarvis family. Its subdivision included the creation of Jarvis Street, an extraordinarily wide, grand avenue where influential and wealthy Torontonians built their estates and which provided a connection from the Second Concession Line (Bloor Street) southward to the town's commercial and civic institutions and lakefront wharves. Mutual Street, in contrast, represents a residential enclave developed for the middle class, adjacent to the grand Jarvis Street estates.

Contextually, the properties at 37, 39, 41 and 43 Mutual Street are valued for their role in defining, maintaining and supporting the historical character of the Garden District. This character was defined in the last quarter of the 19th century with row houses and semi-detached houses of a consistent scale and built form which featured two-and-a-half storey dwellings, on raised basements, with sloping attic roofs expressed as gable, hips or mansards. Within the context of a neighbourhood in flux due to ongoing development pressure, the properties at 37, 39, 41 and 43 Mutual Street are valued for their historic, physical and visual links with their surroundings for nearly 130 years.

Heritage Attributes

The heritage attributes of the group of row houses at 37, 39, 41 and 43 Mutual Street are:

- The location of the row houses on the east side of Mutual Street including the set back and orientation
- The scale, form and massing of the row houses including their two-and-a-half storey height and L-shaped plan on a raised basement with a mansard roof and brick corbelled firebreak walls
- The principal (west) elevations with their round-arched windows and door openings, paired windows at the second floor and paired, hipped dormer windows in the mansard roof
- The materials with the orangey-red brick with brick detailing, rough-hewn sandstone of the raised basements, slate shingles in a rectangular and rosette pattern, the decorative wood detailing of the dormer windows, console brackets below the roof eaves, and detailing of the mansard roof and soffits at both the second and third floor levels
- On the principal (west) elevation at 37, 41 and 43 Mutual Street, the stained-glass transoms in the round-arched windows
- On the principal (west) elevation at 41 and 43 Mutual Street, the stained-glass transoms with respective street number above the front door

STATEMENT OF SIGNIFICANCE:
37 MUTUAL STREET
MCBURNEY & SAUNDERS ROW HOUSE
(REASONS FOR DESIGNATION)

ATTACHMENT 4

The property at 37 Mutual Street is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, associative and contextual value.

Description

Located on the east side of the street south of Shuter Street and adjacent to the mid-19th century heritage properties at 79, 81 and 85 Shuter Street in the Garden District neighbourhood, the property at 37 Mutual Street is part of a group of four two-and-a-half-storey Second Empire-style row houses that were completed in 1890 by developers Jackson A. McBurney and Joseph Saunders, and first occupied by members of the city's new middle class.

Statement of Cultural Heritage Value

The property at 37 Mutual Street 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 three categories of design, associative and contextual values.

The property at 37 Mutual Street is valued for its design and construction as part of the intact row of four two-and-a-half storey house form buildings at 37, 39, 41 and 43 Mutual Street, dating to 1890 and displaying a high degree of craftsmanship and artistic merit. They are also valued as fine examples of the Second Empire Style, which was featured in some of the grand estates on the adjacent Jarvis Street, and emulated in the design of middle-class row houses on neighbouring streets like Mutual Street. The elements of the style are seen primarily in the Mansard roof and in the rich elaboration of well-preserved brickwork and wooden architectural elements evident at the windows and cornices. The row house type is represented in the two-and-a-half storey building on a raised basement. All four principal elevations have nearly identical arrangements, though every other facade is reversed, rather than simply repeating. This lends a symmetry to adjacent units, and to the overall composition. Other features of the group include the round-arched main entrance, set to one side, with the similarly round-arched window adjacent at the first floor level. Combined with the alternating pattern of each dwelling, this articulation creates a pleasing massing pattern that unifies the group. Within the Garden District, the group of four dwellings at 37, 39, 41 and 43 Mutual Street comprise a very well-preserved example of this aspirational row house type that emerged in the last quarter of the 19th century as representative of the tastes and means of the city's new middle class.

As part of the group of four two-and-a-half storey row houses at 37, 39, 41 and 43 Mutual Street, the property at 37 Mutual Street is also valued for its contribution to an

understanding of the historical development of this part of the Garden District neighbourhood, which was transformed through John G. Howard's late 1840s design from a single family estate to a dense urban neighbourhood. Initially, the subject properties were a part of one of the series of hundred acre Park Lots, created with the founding of the town of York in 1793 and granted to the influential Jarvis family. Its subdivision included the creation of Jarvis Street, an extraordinarily wide, grand avenue where influential and wealthy Torontonians built their estates and which provided a connection from the Second Concession Line (Bloor Street) southward to the town's commercial and civic institutions and lakefront wharves. Mutual Street, in contrast, represents a residential enclave developed for the middle class, adjacent to the grand Jarvis Street estates.

Contextually the property at 37 Mutual Street is valued for its role as part of the group of four row houses at 37, 39, 41 and 43 Mutual Street in defining, maintaining and supporting the historical character of the Garden District. This character was defined in the last quarter of the 19th century with row houses and semi-detached houses of a consistent scale and built form which featured two-and-a-half storey dwellings, on raised basements, with sloping attic roofs expressed as gable, hips or mansards. Within the context of a neighbourhood in flux due to ongoing development pressure, the property at 37 Mutual Street is valued as part of the group of four row houses for its historic, physical and visual links with its surroundings for nearly 130 years.

Heritage Attributes

The heritage attributes of the property at 37 Mutual Street are:

- The location, set back and orientation of the building as the southern anchor of a group of four row houses on the east side of Mutual Street
- The scale, form and massing of the building with its two-and-a-half storey height and L-shaped plan on a raised basement with a mansard roof and brick corbelled firebreak wall
- The principal (west) elevation with its round-arched windows and door openings, paired windows at the second floor and paired, hipped dormer windows in the mansard roof
- The materials with the orangey-red brick with brick detailing, rough-hewn sandstone of the raised basements, slate shingles in a rectangular and rosette pattern, the decorative wood detailing of the dormer windows, console brackets below the roof eaves, and detailing of the mansard roof and soffits at both the second and third floor levels
- On the principal (west) elevation, the stained-glass transom in the round-arched window

Note: the metal cladding covering the slate hipped roofs of the two roof dormers is not considered a heritage attribute

HERITAGE PROPERTY RESEARCH AND EVALUATION REPORT



MCBURNEY & SAUNDERS ROW HOUSES
37, 39, 41 & 43 MUTUAL STREET, TORONTO

Prepared by:

Heritage Preservation Services
City Planning Division
City of Toronto

June 2018

1. DESCRIPTION



Above: 37, 39, 41 & 43 Mutual Street (CBCollective, 2018)

Cover: 37, 39, 41 & 43 Mutual Street (CBCollective, 2018)

116, 118, 120 & 122 Shaftesbury Avenue: Row Houses	
ADDRESS	37, 39, 41 & 43 Mutual Street
WARD	Ward 27 (Toronto Centre-Rosedale)
LEGAL DESCRIPTION	37 Mutual: PLAN 28E LOT 1 39 Mutual: PLAN 28E LOT 2 41 Mutual: PLAN 28E LOT 3 43 Mutual: PLAN 28E LOT 4
NEIGHBOURHOOD/COMMUNITY	Garden District
HISTORICAL NAME	McBurney & Saunders Row Houses
CONSTRUCTION DATE	1889-1890
ORIGINAL OWNER	Jackson A. McBurney and Joseph Saunders
ORIGINAL USE	Residential (row houses)
CURRENT USE	Residential (row houses)
ARCHITECT/BUILDER/DESIGNER	Jackson A. McBurney and Joseph Saunders (developers)
DESIGN/CONSTRUCTION/MATERIALS	Brick construction with brick, stone and wood details
ARCHITECTURAL STYLE	Second Empire

ADDITIONS/ALTERATIONS	See Section 2
CRITERIA	Design, Associative and Contextual
HERITAGE STATUS	n/a
RECORDER	Heritage Preservation Services: Liz McFarland
REPORT DATE	June 2018

2. BACKGROUND

This research and evaluation report describes the history, architecture and context of the properties at 37, 39, 41 & 43 Mutual Street, and applies evaluation criteria to determine whether it merits designation under Part IV, Section 29 of the Ontario Heritage Act. The conclusions of the research and evaluation are found in Section 4 (Summary).

i. HISTORICAL TIMELINE

Key Date	Historical Event
1793	Park Lot 6 is granted to David Smith who trades it to William Jarvis. Jarvis had in turn traded his grant of Park Lot 3 to John Small.
1818	William Jarvis deeds Park Lot 6 to his son Samuel Peters Jarvis.
1824	Samuel Peters Jarvis builds his house to the designs of John Ewart. The estate is known as 'Hazelburn'.
1846-1851	Samuel Peters Jarvis engages the architect John Howard to plan the subdivision of his estate. A large portion of the Hazelburn house is demolished to make way for Jarvis Street. Mutual and George Streets flank the west and east boundaries of the estate.
1884	Goad's Atlas indicates this parcel of land as the north part of Lot 10 plus Lots 11 and 12 in Plan 10A. One structure stands on this site and is numbered 37
1889 May 27	Contractors Jackson A. McBurney and Joseph Saunders purchase the north part of Lot 10 plus Lots 11 and 12 from Sarah Matilda Moses
1889 Aug 15	McBurney and Saunders register the north portion of Lot 10 plus Lots 11 and 12 under subdivision Plan 28E, which comprises Lots 1-4.
1889 Sept-Oct	The City Directory and tax assessment roll for 1890 (both with statistics gathered in the previous year) list the four subject properties as "unfinished" houses
1890	Goad's Atlas indicates that the former building at 37 Mutual Street has been demolished, four brick row-houses now appear in its place, which are known as their current addresses: 37, 39, 41 and 43 Mutual Street.
1890 Oct	The City Directory for 1891 (with statistics gathered in the previous year) lists the subject properties, then occupied by middle-class tenants including a letter carrier, a rabbi and a gentleman.
2012 Sept	The owners of 37 Mutual Street submit a Heritage Preservation Services nomination form requesting Part IV Designation.

ii. HISTORICAL BACKGROUND

Garden District Neighbourhood and the Jarvis Estate

The properties at 37, 39, 41 and 43 Mutual Street are located in the Garden District neighbourhood of downtown Toronto, which is east of Yonge Street, between Carlton, Queen and Sherbourne streets.¹ (*Image 1*). The properties were originally part of Park Lot 6, one of the parcels of land granted by John Graves Simcoe to loyal individuals as well as the military and the clergy, after the founding of the Town of York and the establishment of Fort York in 1793. Park Lot 6 was granted to David Smith who traded it to William Jarvis (1756-1817) who had originally been granted Park Lot 3. The narrow lot of 100 acres stretched north-south, from Lot Street (now Queen Street) to the second concession road (now Bloor Street) (*Image 2*).

William Jarvis did not live on the Park Lot as he built a house at Sherbourne and Adelaide Streets, on the edge of the new town of York. Apart from clearing some of the land, he left it undeveloped, transferring it to his son, Samuel Peters Jarvis (1792-1857), just before he died in 1817. Samuel began to clear the site in 1822 and engaged the distinguished architect, John Ewart (1788-1856), to design a house for him in 1824. It was complete by 1825 (*Images 3 and 4*). Samuel and his wife, Mary Boyles Powell, lived there until 1845. By that time, Samuel was encountering various financial difficulties and engaged the prominent architect, surveyor and engineer, John George Howard (1803-1890), to survey the park lot for subdivision and sale.

Howard's plan subdivided the narrow lot on its long axis, with a north-south street named for the Jarvis family running down the middle and aligning with New Street (later known as Nelson, as of 1857, and finally Jarvis Street) and connecting with the wharves at the lake's edge (*Image 5*). This was a decisive move for the sale of subdivided lots and for the future development of the city as Jarvis Street on its way south from the Jarvis estate, would pass the new St. Lawrence Hall with its arcade and market (1849-50) and the second City Hall (1844-5 and 1850-51) with its police station, courts and additional markets on the west side of the street. With an extraordinary 80' width, Jarvis Street became a grand avenue with additional boulevards of 16' on either side. William Cawthra invested in the development of the southern 40 acres, which resulted in smaller lots for working class housing. The northern 60 acres, typically divided into one-acre plots, was intended for grander houses and eventually prominent Toronto families such as the Masseys, Mulocks, Flavelles, and McMasters built them. Apart from residential buildings, the street attracted institutions such as churches including the Jarvis Street Baptist Church (1869), and the Toronto Collegiate Institute (later Jarvis Collegiate). The 1878 Illustrated Historical Atlas of the County of York declared:

"Jarvis Street is the handsomest avenue in Toronto and cannot perhaps be equalled on the continent. The well formed road, the boulevarded

¹ It is important to note that the Garden District neighbourhood has broader boundaries than that defined by the Garden District Heritage Conservation District (HCD).

borders, and the delightful villas with their well ordered grounds, present to the eye a very attractive picture."²

With Howard's 1845-51 survey, Jarvis Street became a primary north-south route, linking the original core of the town of York with the Second Concession Line (now Bloor Street). It is flanked by two narrower north-south side streets at the edge of Park Lot 6. George Street, on the east, was an extension of one of the original streets of the Town of York. Mutual Street, on the other hand, started at Lot Street and terminated at Carlton Street, on the western boundary of the park lot and was destined to remain a quieter residential street than Jarvis.³ In contrast to Jarvis Street, Mutual Street is characterized by more modestly-scaled, late 19th century houses built as semi-detached or row houses. Mutual Street's name indicates that it was shared between Park Lots 6 and 7.⁴

37, 39, 41 and 43 Mutual Street

The northern portion of Lot 10 plus Lots 11 and 12 of Plan 10A, which would become the site of the subject properties, changed hands a number of times during the mid-19th century and the site is occupied by a modest frame building when the first Goad's Atlas illustrated the area in 1884 (*Image 6*). By the end of the same decade, though, this building would be replaced by 37, 39, 41 and 43 Mutual Street.

In May 1889, the north portion of Lot 10 plus Lots 11 and 12 were purchased from Sarah Matilda Moses by two speculative builders, Jackson A. McBurney and Joseph Saunders. The two men promptly registered Plan 28E, which subdivided the site into Lots 1-4 (*Image 7*). All four houses were already under construction in September 1889, according to the tax assessment rolls. The structures remained unfinished at the end of the year according to the city directory. When the next tax assessment roll was compiled in September 1890, the row of four houses was completed, with the individual units occupied by members of the city's new middle class, including a letter carrier, a rabbi and a gentleman. Land registry records indicate that McBurney and Saunders sold all four properties in that same year, reaffirming their role as developers. The two men are also attributed to several other concurrent row house projects in the vicinity, including on Church Street south of Wellesley (Plan 603) and directly across the street from 37, 39, 41 and 43 Mutual Street at numbers 42-44.⁵ The latter two row houses (attached to a larger, six-dwelling row fronting Shuter Street) were owned by a relative of McBurney and an archival photograph indicates that the two buildings were identical in scale and styling to 37, 39, 41 and 43 across the street (*Image 8*).

The properties at 37, 39, 41 and 43 Mutual Street remain, while much of the building stock in the immediate vicinity was removed throughout the 20th century. By 1985, the west side of Mutual Street (where numbers 42 and 44 once stood) and the entire block bound by Queen Street East, Church and Shuter Streets was paved over as a surface parking lot.

2 Lundell, 55.

3 Mutual Street was subsequently extended north to Maitland Street in the early 1900s.

4 Arthur, 263.

5 *Canadian Architect and Builder*, Vol. 2, no. 5 (May 1889), 7.

iii. ARCHITECTURAL DESCRIPTION

Current photographs of the properties at 37, 39, 41 and 43 Mutual Street are found on the cover and in Sections 2 and 6 of this report. The site contains a group of four attached row houses, a type that first appeared in Europe and Britain during the 17th century and ranged from elaborate terraces in cities for the upper classes, to workers' housing in industrial settings. In 19th-century Toronto, row houses were more commonly found in urban areas where greater densities were accommodated on modest-sized plots. Completed in 1890, they are two-and-a-half-storey brick dwellings on a raised basement with round arched window and door openings on the first floor, and a mansard roof. The latter feature, in particular, is representative of the Second Empire Style.

The Second Empire Style evolved during the "second empire" of Napoleon III (1808-1873) whose reign in France extended from 1852-1870. It was showcased in the extensions to the Louvre Palace undertaken by L. T. J. Visconti and H. M. Lefuel in 1852-7 (*Image 9*). The style was widely adopted in Canada from the 1870s onwards:

"Second Empire was... one of Canada's major architectural manifestations for almost two decades. In its most ornate phase it affected all building types, but especially those of an official character – public buildings, institutions, banks – and the residences of the influential; in all cases, the desired effect was one of conservatism, stability, respectability and opulence."⁶

While the style was essentially a variation of Renaissance Classicism, its distinguishing feature, and that most frequently adopted in Canada, was the mansard roof, named for the 17th century French architect Francois Mansart (1598-1666) who popularized its use. On neighbouring Jarvis Street, Second Empire Style houses of prominent citizens building large estates in the 1870s included 'Hazelburn II,' built by Samuel Jarvis's grandson, Edward Aemilius Jarvis, 'Roseneath,' the home of Chief Justice Sir Charles Moss, and 'Humewood,' home of the honourable Edward Blake. Apart from style and aesthetic associations, the nearly vertical angle of the mansard roof had the additional attraction of creating greater head-room in attic spaces, giving it functional appeal by increasing usable interior space. Built to house the city's new middle class, McBurney and Saunders likely employed mansard roofs on their Mutual Street row houses in emulation of the villas of the well-to-do on Jarvis Street as much as for practical reasons.

The subject properties at 37, 39, 41 and 43 Mutual Street contain a group of four contiguous two-and-a-half storey buildings with an overall rectangular-shaped plan on raised basements. On the principal (west) elevation, all four units have nearly identical arrangements, though every other facade is reversed, rather than simply repeating. This lends a symmetry to adjacent units, and to the overall composition. Each unit is arranged into two vertical bays, one slightly wider than the other. At the first floor level, the slightly narrower bay contains the recessed, round-arched entrance door, and the

6 Cameron and Wright, 22.

wider, projecting bay contains a similarly round-arched window. Combined with the alternating pattern of each dwelling, this articulation creates a pleasing massing pattern that unifies the group. Two segmental-arched window openings on the second floor are centred over the door and bay openings directly below. In the mansard roof, each house has two dormer windows, also centred over the window and door openings in the lower floors, and completing the symmetrical arrangement of the principal elevations. (*Image 10*)

At 37, 39, 41 and 43 Mutual Street, the mansard roof extends across the upper half storey of all four dwellings. Its surface is distinguished by the use of slate shingles with the original patterning, whereby the regular rows of rectangular shingles are punctuated by pointed shingles arranged in a rosette pattern between the roof dormers (*Image 11*). Constructed of brick with decorative and detailed brick, stone and wood detailing, an archival photograph reveals that the brick on all four principal (west) elevations was once painted but has since been restored (*Image 12*). The orange-hued red brick appeared frequently in new construction in the 1880s and is distinctive for its fine quality, smooth surface and the care with which it has been used to enhance the form of the building. This is evident in the double course of protruding headers around the arched soldier courses at the first storey, the alternating protruding soldier course delineating the first and second floors across all four houses, and the single string course that raises periodically to trace a rectangular hood moulding around the splayed brick arches above each of the second-floor windows. (*Image 13*) The rear (east) elevations transition from red to buff brick, which has been clad with siding at 39 and 41. On the same elevation, two light wells are shared between the four dwellings. (*Image 14*)

At 37, 41 and 43 Mutual the main windows on the principal (west) elevation retain their original stained glass transoms. Similarly, 41 and 43 retain rectangular stained glass transoms above the entrance doors, each incorporating the street number of the respective dwelling in its design (*Images 15 and 16*).

Of all the careful detailing evident in the building, the most exceptional are the wood elements evident at the cornices and the dormer windows. At the top of the second floor, large, richly-profiled cornice brackets of wood with incised spirals are set in pairs at ninety-degree angles to each other, and support the soffit and eaves beneath the mansard roof. (*Image 17*) At the top storey, the dormers project forward from the steep angle of the mansard roof and have a small cornice which is stepped and notched above the pairs of curved console brackets set at 90 degrees to one another at either side of the window. (*Image 18*) The window itself is framed with moulded wood bands at the sides and top of the opening.

Apart from the replacement of the original windows, other alterations include new front stairs and excavation at the foundations to replace the original lower level windows with doorway openings (*Image 19*). Despite these alterations, the four row houses retain their overall integrity and continue to communicate their cultural heritage value. The group presents a fine collection of late 19th century detailing which is still in a very good state of preservation in 2018.

iv. CONTEXT

The properties at 37, 39, 41 and 43 Mutual Street are located on the east side of Mutual Street between Shuter Street and Queen Street East, and one block west from the Garden District Heritage Conservation District (HCD). Mutual Street runs north-south from Queen to Maitland between Jarvis and Church Streets. In the past twenty years, the boom in condominium construction in the downtown core has resulted in numerous residential tall buildings being constructed and proposed for properties on the former McGill and Jarvis family estates of which Mutual Street was the shared north-south boundary.

The character of the area has changed dramatically with many tall residential towers being constructed and proposed (*Image 20*). However, in the vicinity, a group of three mid-late 19th century townhouses of similar scale to 37, 39, 41 and 43 Mutual Street remain on the south side of Shuter Street between Mutual and George Streets and are recognized on the City's Heritage Register.⁷ Other 19th century buildings to the west of the subject properties on Mutual Street, such as St. Michael's Cathedral, the Metropolitan United Church and Massey Hall, also contribute to maintaining the 19th century character of the neighbourhood. These properties combine with the group of four row houses comprising 37, 39, 41 and 43 Mutual Street to create a strong context within which the story of the evolving mid-to-late 19th century streetscape can be understood and this contributes to maintaining the historical character of the Garden District neighbourhood.

3. EVALUATION

The following evaluation applies Ontario Regulation 9/06 made under the Ontario Heritage Act: Criteria for Determining Cultural Heritage Value or Interest. While the criteria are prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, the City of Toronto uses it when assessing properties for inclusion on the City of Toronto's Heritage Register. The evaluation table is marked "N/A" if the criterion is "not applicable" to the property or X if it is applicable, with explanatory text below.

Design or Physical Value	
i. rare, unique, representative or early example of a style, type, expression, material or construction method	X
ii. displays high degree of craftsmanship or artistic merit	X
iii. demonstrates high degree of scientific or technical achievement	N/A

The row houses at 37, 39, 41 and 43 Mutual Street are valued for their design and construction which display a high degree of craftsmanship and artistic merit. They are also valued as fine examples of the Second Empire Style, which was featured in some of the grand estates on the adjacent Jarvis Street, and emulated in the design of middle-class row houses on neighbouring streets like Mutual Street. The elements of the style are seen primarily in the Mansard roof and in the rich elaboration of well-preserved brickwork and wooden architectural elements evident at the windows and

⁷ These properties are known as 79, 81 and 85 Shuter Street.

cornices. The row house type is represented in the two-and-a-half storey building on a raised basement. Other features of the group include the round-arched main entrance, set to one side, with the similarly round-arched window adjacent at the first floor level. Combined with the alternating pattern of each dwelling, this articulation creates a pleasing massing pattern that unifies the group. Within the Garden District the group of four dwellings at 37, 39, 41 and 43 Mutual Street comprise a very well-preserved example of this aspirational row house type that emerged in the last quarter of the 19th century as representative of the tastes and means of the city's new middle class.

Historical or Associative Value	
i. direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	X
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture	X
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	N/A

The row houses at 37, 39, 41 and 43 Mutual Street have associative value for their contribution to understanding the historic, social and urban development and subsequent evolution of this part of the Garden District. Initially, the properties were part of one of the series of hundred acre Park Lots, created with the founding of the town of York in 1793 and acquired by the influential Jarvis family. Its subdivision included the creation of Jarvis Street, an extraordinarily wide, grand avenue where influential and wealthy Torontonians built their estates and which provided a connection from the Second Concession Line (Bloor Street) southward to the town's commercial and civic institutions and lakefront wharves. Mutual Street, in contrast, represents a residential enclave developed for the city's middle class, adjacent to the grand Jarvis Street estates. The handsome and generously-sized row houses at 37, 39, 41 and 43 Mutual Street express the growth and prosperity of Toronto in the last quarter of the 19th century, as well as the tastes and means of that new middle class.

Contextual Value	
i. important in defining, maintaining or supporting the character of an area	X
ii. physically, functionally, visually or historically linked to its surroundings	X
iii. landmark	N/A

Contextually, the properties at 37, 39, 41 and 43 Mutual Street are valued for their role in defining, maintaining and supporting the historical character of the Garden District. This character was defined in the last quarter of the nineteenth century with row houses and semi-detached houses of a consistent scale and built form which featured two-and-a-half storey dwellings, on raised basements, with sloping attic roofs expressed as gables, hips or mansards. As a rare surviving example of their type in an area of the city experiencing intense redevelopment pressure, the row houses at 37, 39, 41 and 43 Mutual Street are valued for their historic, physical and visual links with their surroundings for nearly 130 years.

4. SUMMARY

Following research and evaluation according to Regulation 9/06, it has been determined that the properties at 37, 39, 41 and 43 Mutual Street have design, associative and contextual values. The four Second Empire-style brick row houses, completed in 1890, are the only surviving group of two-to-three storey dwellings remaining on the block south of Shuter Street, a type that initially defined much of Mutual Street between Queen Street East and Carlton Street in the last quarter of the 19th century. The row house type is represented in the two-and-a-half storey building on a raised basement. Combined with the alternating pattern of each dwelling, the articulation of the vertical bays on the principal (west) elevations creates a pleasing massing pattern that unifies the group. The four properties are valued for their association with Jackson A. McBurney and Joseph Saunders, two speculative builders who developed several groups of row houses in the immediate vicinity. As rare and well-preserved remnants of late-19th century Second Empire style dwellings built for the city's new middle class, their scale, form and massing, as well as their details have contextual value in defining, supporting and maintaining the continuity of the historic character of this section of the Garden District, west of Jarvis Street.

5. SOURCES

Archival Sources

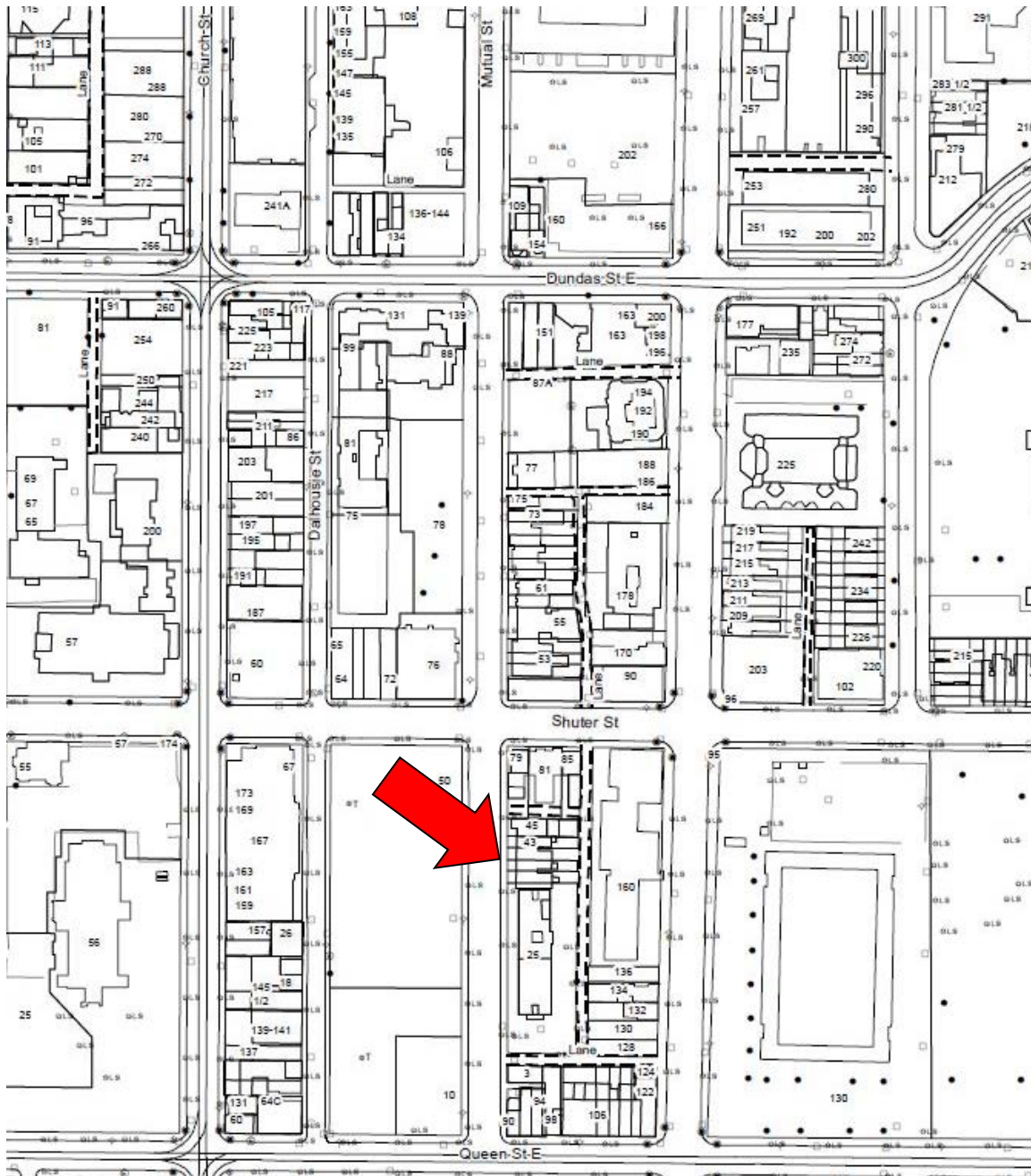
- Abstract Index of Deeds, Plan 10A, Lots 10-12 and Plan 28E, Lots 1-4
- Archival photographs, City of Toronto, Fonds 1526 and 2032
- Archival Maps, 1802-1842 (Ng) <http://oldtorontomaps.blogspot.com/p/index-of-maps.html>
- Assessment Rolls, City of Toronto, St. James Ward 1889-1892
- Boulton, *Atlas of the City of Toronto and Vicinity*, 1858
- Cane, James. *Topographical Map of the city and liberties of Toronto*, 1842
- City of Toronto Directories, 1887 ff.
- Fleming, Ridout and Schreiber. *Plan of the City of Toronto, Canada West*, 1857 (City of Toronto Archives [CTA])
- Goad Charles E. *Atlas of the City of Toronto and Suburbs*, 1884, 1890, 1899, 1903, 1913, 1924 (Ng)
- Robertson, J. Ross. *Robertson's Landmarks of Toronto: A Collection of Historical Sketches of the Town of York from 1792-1837 and of Toronto from 1834 to 1904*, Toronto, Vol. 2, 1904
- *Statues of the Province of Ontario, Passed in the session held in the forty-seventh year of the reign of her Majesty Queen Victoria* (Chap 95 Venerable Alexander Dixon, p 397), 1884

Secondary Sources

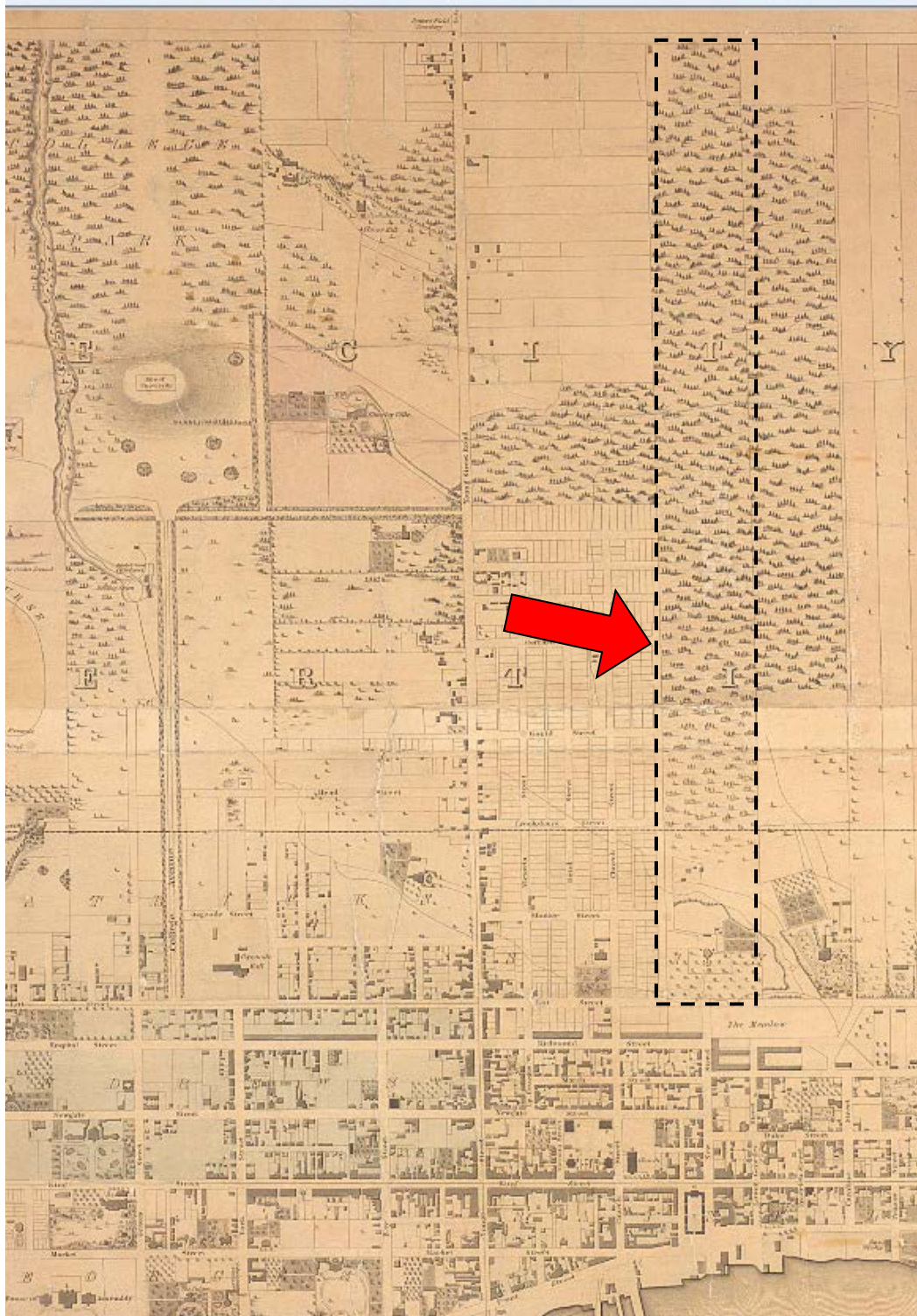
- Arthur, Eric. *Toronto: No Mean City*. 3rd edition, revised by Stephen A. Otto, 1986
- Cameron, Christine and Janet Wright. *Canadian Historic Sites No. 24: Second Empire Style in Canadian Architecture*, 1980

- *Canadian Architect and Builder*, Vol. 2, no. 5 (May 1889).
- Common Bond Collective, *37, 39, 41 and 43 Mutual Street*, Cultural Heritage Evaluation Report, April 2018
- Cruikshank, Tom, and John De Visser, *Old Toronto Houses*, 2003
- Dendy, William and William Kilbourn. *Toronto Observed*. 1986
- Hitchcock, Henry-Russell. *The Pelican History of Art: Architecture: Nineteenth and Twentieth Centuries*. 3rd edition, 1969
- Lundell, Liz. *The Estates of Old Toronto*. 1997
- Martyn, Lucy Booth. *Aristocratic Toronto: 19th Century Grandeur*. 1980
- McHugh, Patricia. *Toronto Architecture: a city guide*. 2nd edition, 1989
- Thompson, Austin Seton. *Jarvis Street: A Story of Triumph and Tragedy*, 1980

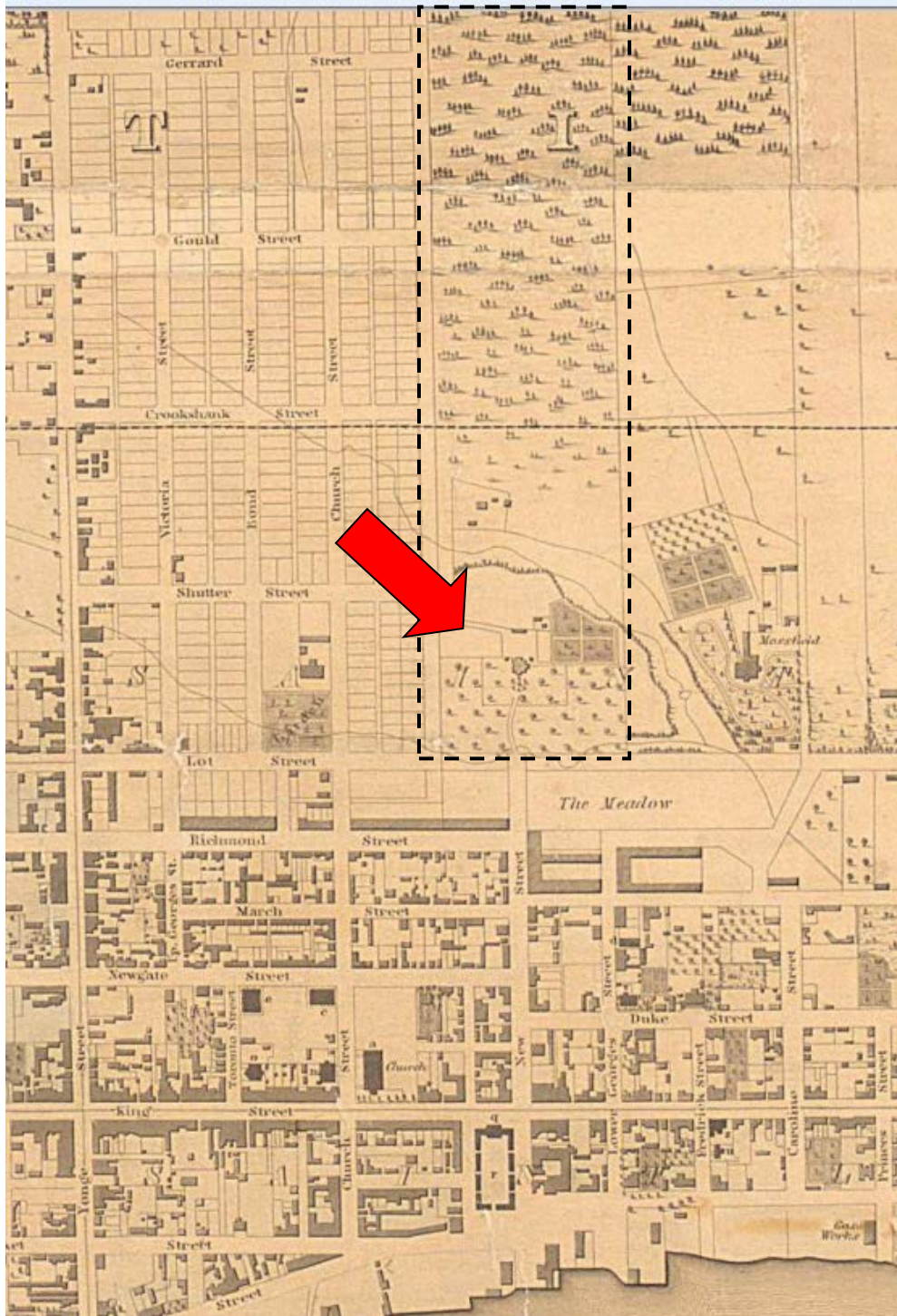
6. IMAGES – maps and atlases are followed by other archival images and current photographs. The arrows mark the location of the subject properties. All images are oriented with north on the top unless indicated in the captions.



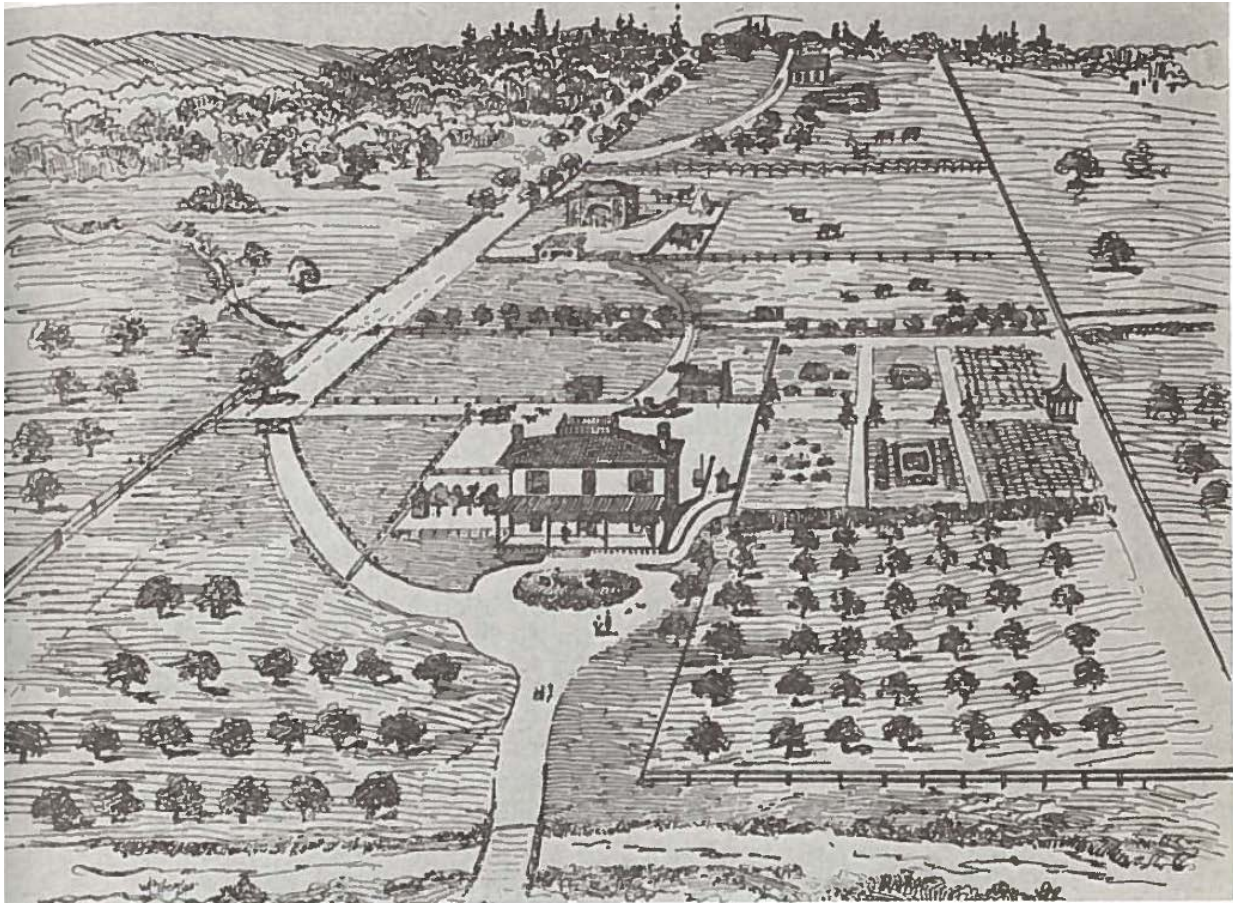
1. City of Toronto Property Data Map showing the location of the subject property on the east side of Mutual Street between Shuter Street and Queen Street East. Yonge Street runs north-south at the far left of the map and Jarvis Street at the far right.



2. Cane's *Topographical Map of the City and Liberties of Toronto* (detail), 1842: showing Park Lot 6 stretching from Lot Street (Queen Street) to the Second Concession Road (Bloor Street). (CTA)



3. Cane's Topographical Map of the City and Liberties of Toronto (detail), 1842 showing the southern portion of Park Lot 6 just above Lot Street with the Hazelburn estate. Note how the driveway into the estate is on axis with New Street (now Jarvis Street) (CTA).



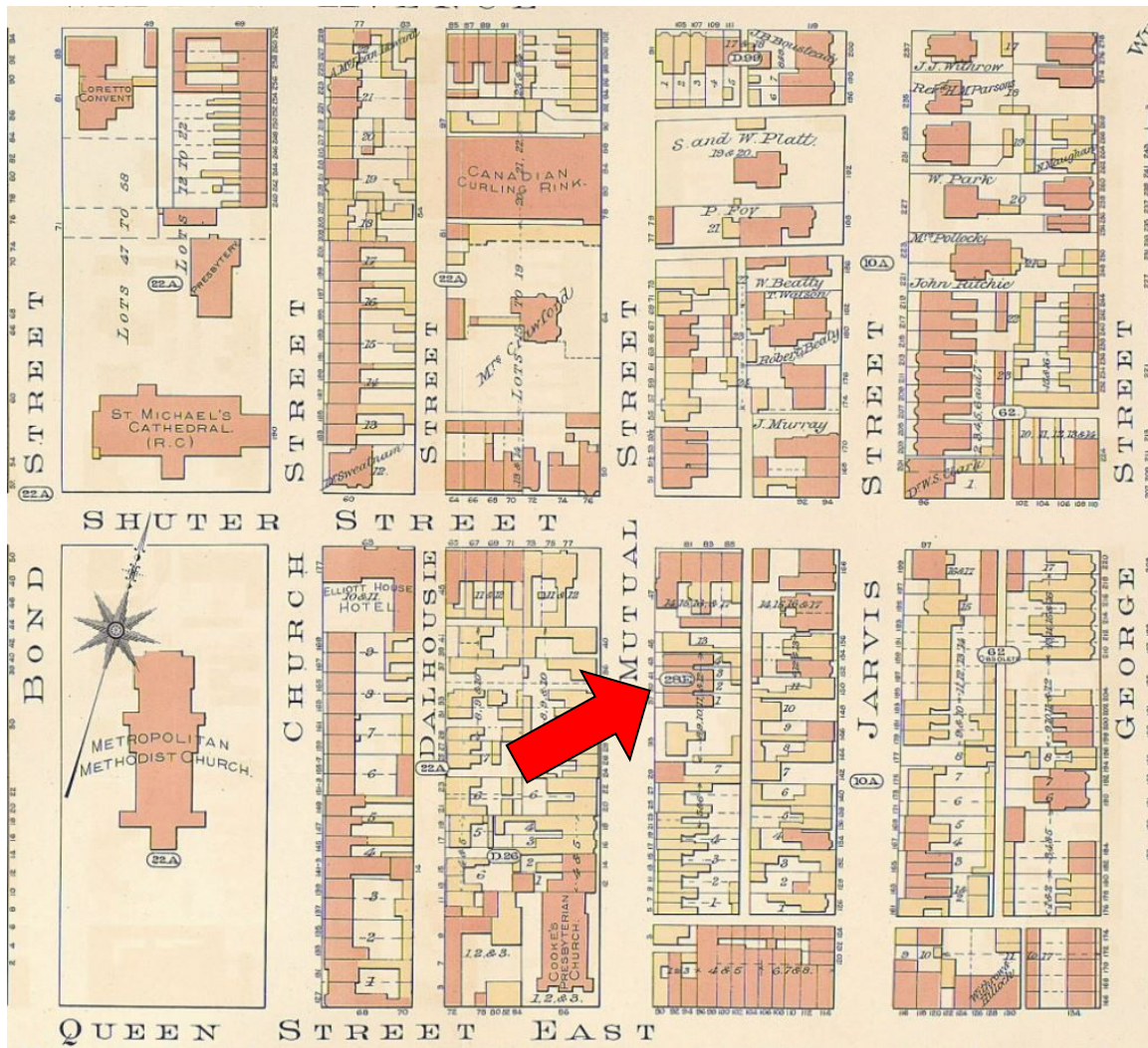
4. John Ross Robertson's View of Hazelburn, 1824: showing an aerial view of the estate with the house designed by the architect John Ewart (Thompson, 87).



5. Fleming Ridout & Schreiber, *Plan of the City of Toronto, Canada West* (detail), 1857: showing the subdivision of Park Lot 6, by John George Howard, with Jarvis Street as an important central spine continuing Nelson Street (originally New Street) which ran down to the harbour, with the market and city hall on its western side and, by 1850, St Lawrence Hall. Lot 6 is flanked to either side by Mutual St.(on the west) and George St. (on the east). Hazelburn has been demolished (CTA).



6. Goad's Atlas, 1884: showing a single, earlier frame building at 37 Mutual Street on the plot of land that would become Lots 1-4, Plan 28E on the east side of Mutual Street between Shuter Street and Queen Street East (Ng).



7. Goad's Atlas, 1890: showing the recently registered subdivision Plan 28E comprising Lots 1-4 and brick buildings appearing on the properties as 37, 39, 41 and 43 Mutual Street (Ng).



8. Archival photograph from 1972 showing the southwest corner of Mutual and Shuter Streets with 42-44 Mutual Street at left, now demolished. This mirrored pair of row houses are identical in scale and detailing to the dwellings across the street at 37, 39, 41 and 43 Mutual (just beyond the left edge of the photograph) and were also developed by Jackson A. McBurney and Joseph Saunders (CTA).



9. Image of the New Louvre, Paris, L. T. J. Visconti and H. M. Lefuel (1852-7) showing the mansard roofs and Classical Renaissance elements given the elaborate decorative treatment which typified the Second Empire Style (Hitchcock, 195).



10. From right to left, Photograph showing the principal (west) elevations of 37, 39, 41 and 43 Mutual Street (CBCollective, 2018)



11. Photograph showing the rosette pattern in slate shingles on the mansard roof at 41 and 43 Mutual Street. This original decorative element remains at all four properties (CBCollective, 2018).



City of Toronto Archives, Fonds 1526, File 61, Item 85

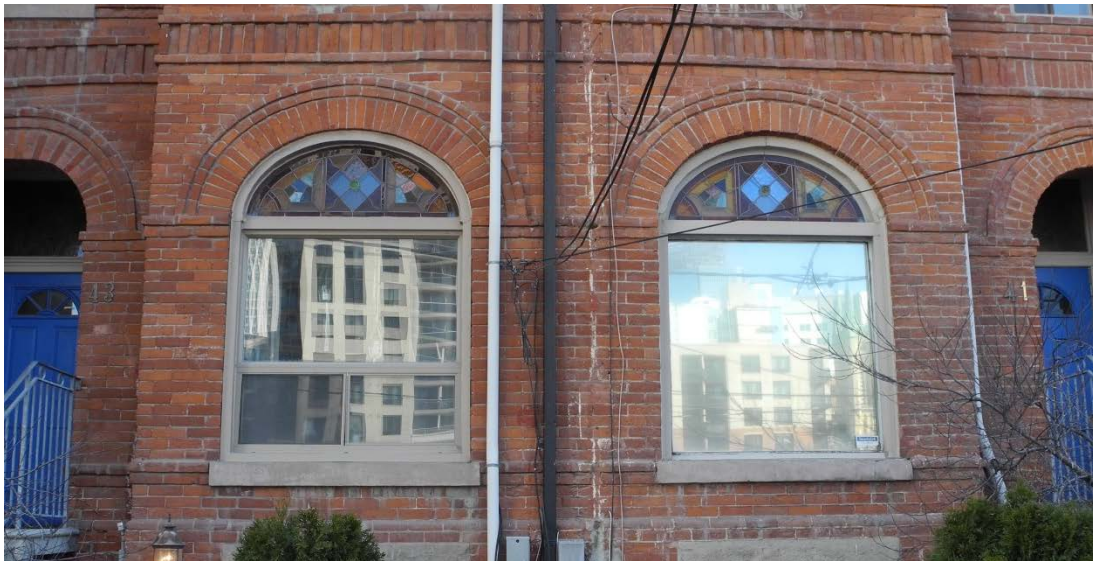
12. Archival photograph of the properties at 37, 39, 41 and 43 Mutual Street, showing the brick on all four principal (west) elevations having been painted and porch additions at 39 and 41. The absence of openings on the south elevation indicates that the group was originally built with the assumption that additional buildings would be constructed directly adjacent to 37 Mutual Street (CTA).



13. Photograph showing the decorative brick detailing at the first and second floor levels of the principal (west) elevations. Note the more recent tuck pointing of the brick at 39 Mutual, centre left (CB Collective, 2018).



14. Photograph showing rear (east) elevations of the properties, showing the transition from red to buff brick (clad with siding at 39 and 41) and the two light wells shared between the four dwellings (CBCollective, 2018).



15. Photograph showing the stained glass transoms in the first floor main window at 41 and 43 Mutual Street. An identical transom also appears at number 37 (CBCollective, 2018).



16. Photograph showing the stained glass transom with street number above the front door at 43 Mutual Street. The same feature also exists at 41 and 37 (CBCollective, 2018).



17. Photograph showing a pair of incised, wooden cornice brackets set at right angles and supporting the roof eaves. These brackets appear at each of the four properties (CB Collective, 2018).



18. Photograph showing the wooden roof dormer detailing with the curved console brackets supporting the hipped dormer roofs (CBCollective, 2018).



19. Photograph showing new stair and excavation of the footings at 39 Mutual Street to replace the original window opening with a door (CBCollective, 2018).



20. Image looking north along Mutual Street with 37, 39, 41 and 43 (right), the similarly scaled and styled mid-to-late 19th century house at 79 Shuter Street (centre) which is recognized on the City's Heritage Register along with the adjacent properties at 81 and 85 Shuter (not shown), and more recent high rise development that has sprung up among these remnant 19th century structures (Google Maps, 2017).