

## **Demolition of a Property Subject to Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - 170 Merton Street**

**Date:** January 22, 2018  
**To:** Toronto Preservation Board  
Toronto and East York Community Council  
**From:** Acting Chief Planner and Executive Director  
**Wards:** Ward 22 – St. Paul's

### **SUMMARY**

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This report recommends that City Council refuse an application to demolish a heritage structure on the property at 170 Merton Street, which is subject to Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act.

Under the Act, if City Council fails to make a decision on the application within 90 days of issuing a Notice of Receipt of the application, the application is deemed to be permitted under Section 34 of the Ontario Heritage Act. Based on issuance of the Notice of Receipt, the applicant must be notified of Council's decision by April 10, 2018.

### **RECOMMENDATIONS**

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

1. City Council refuse the issuance of a demolition permit for the heritage property at 170 Merton Street, in accordance with Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 34 of the Ontario Heritage Act for the heritage property at 170 Merton Street, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Municipal Board hearing in opposition to the appeal.

### **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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City Council at its November 7, 2017 meeting approved a Motion to designate the property under Part IV, Section 29 of the Ontario Heritage Act. The Intention to Designate was appealed on December 11, 2017. This objection will be forwarded by the City Clerk for review by the Conservation Review Board.

## **ISSUE BACKGROUND**

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### **Proposal**

A complete application for demolition has been received and a Notice of Receipt was served on the applicant. In accordance with the provisions of the Ontario Heritage Act s.34(4), Council is required to issue a decision within 90 days of this date, which in this case is April 10, 2018.

### **Heritage Property Description**

The property at 170 Merton Street is located on the north side of Merton Street between Yonge Street and Pailton Crescent, in the Davisville neighbourhood and contains a two-and-half storey office building.

Constructed in 1969, the former Visiting Homemakers Association (VHA) building has design value as a representative example of a distinctive Late Modern style office building designed as the headquarters for the VHA featuring octagonal towers and bays, ribbon windows, concrete brick with distinctive interlocking corners and an integrated exterior space with landscaping. The property has value as it is the first purpose-built headquarters for the VHA, an important social-welfare agency founded in Toronto in 1925. Designed by the Toronto-based architect Leslie Rebanks, the building is also valued for its association with the W. Garfield Weston Foundation which donated the funds for the property and the building and dedicated it to the memory of Mrs. Reta Weston. The property has contextual value as it contributes to the post-war character of distinctively-designed, low-rise residential, commercial and social agency buildings which transformed Merton Street from its Victorian industrial beginnings following the completion of the Yonge Street subway line in 1954.

### **Policy Framework**

#### **Ontario Heritage Act**

Section 34 (1) of the Ontario Heritage Act (OHA) states that no owner of a property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal. After receiving a complete application for demolition, City Council is required to issue a Notice of Receipt to the applicant. Within 90 days of issuing the notice of receipt, City Council must issue a decision, or else council will be deemed to have consented to the application.

Section 34.1 (1) indicates that if Council refuses the permit applied for, or gives the permit with terms and conditions attached, the owner of the property may appeal the decision to the Ontario Municipal Board (OMB).

### **Growth Plan, Provincial Policy Statement and the Planning Act**

The Growth Plan, Planning Act and associated Provincial Policy Statement guide development in the Province. Under the Planning Act, section 2 (d) the "conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" is a matter of Provincial interest. The Provincial Policy Statement is issued under Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Policy 2.6.1 of the PPS reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region Policy 4.2.7.1 of the Growth Plan which states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

### **Official Plan**

Section 3.1.5 of the Official Plan contains a series of heritage conservation policies that apply to the subject property. These include:

Policy 3.1.5.4 directs that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.

Policy 3.1.5.5 directs that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.5.6 states that the adaptive re-use of properties on the Heritage Register is encouraged.

Policy 3.1.5.26 states that new construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

Policy 3.1.5.27 states that the conservation of whole or substantial portions of buildings, structures and landscapes on Heritage Register properties is desirable and encouraged. The retention of facades alone is discouraged.

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

In 2008, Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (the "Standards & Guidelines") as the official document guiding decisions on the planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

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

The Standards & Guidelines include a set of 9 fundamental standards for the Preservation of heritage properties. The standards establish a philosophical framework and a set of general principles to guide conservation work. All nine of standards apply to the proposed demolition of 170 Merton Street. These include:

- Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements.
- Evaluate the existing condition of character defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

## **Midtown in Focus: Cultural Heritage Resource Assessment (CHRA)**

Midtown in Focus, an inter-divisional initiative led by City Planning, is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan area. The study seeks to ensure that growth positively contributes to the vitality and quality of life in one of Toronto's most dynamic neighbourhoods.

In September 2015, City staff along with its consultants Taylor Hazel Architects and Timmins Martelle Heritage Consultants, initiated the CHRA, a comprehensive assessment and documentation of cultural heritage resources, including built heritage, cultural heritage landscapes and archaeological resources, in the Apartment Neighbourhoods and Mixed-Use Areas within the Midtown in Focus Study Area.

The CHRA is informing the development of planning policies and guidelines for the Midtown planning area and it provides data and analysis to support the inclusion of heritage properties on the City's Heritage Register. It includes a historical overview for Midtown, provides a Stage I archaeological assessment and, applying provincial criteria, identifies potential cultural heritage resources for the Heritage Register, including

individual properties, Heritage Conservation Districts, and Cultural Heritage Landscapes.

The CHRA was completed in April 2017. The CHRA identified the former Visiting Homemakers Association building at 170 Merton Street as being of cultural heritage value or interest.

### **Designation of the Property under Part IV, Section 29 of the Ontario Heritage Act**

City Council at its November 7, 2017 meeting approved a Motion to designate the property under Part IV, Section 29 of the Ontario Heritage Act. The Intention to Designate was appealed on December 11, 2017. This objection will be forwarded by the City Clerk for review by the Conservation Review Board.

## **COMMENTS**

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### **Proposal to Demolish Property**

On July 20, 2017 the applicant submitted a Site Plan Application (City File No. 17 202083 STE 22 SA). The set of architectural plans submitted with the Site Plan Application show complete demolition of the heritage property in conjunction with the construction of 11 four storey single family townhouse units. The Application was deemed complete on August 22, 2017. On October 27, 2017, the applicant subsequently filed applications for minor variances and an application for Part Lot Control to create the development lots.

On December 27, 2017, the applicant submitted a demolition application to Heritage Preservation Services under the Ontario Heritage Act indicating removal of the entire heritage property at 170 Merton Street. The application sets out the reason for the demolition request as "to allow for the construction of 11 four-storey single family townhouse units."

The Condition Assessment, required as a component of the demolition application, was submitted with the application and issued by ERA Architects Inc. on December 5, 2017. This assessment reviewed the condition of all exterior elevations, extending from grade to roof, along with a review of the roof itself. Generally, the findings of the assessment found the building to be in fair condition (Fair: Functioning as intended; normal deterioration and minor distress observed; maintenance will be required within the next five years to maintain functionality).

The City reviewed the application and Notice of Receipt was served on the applicant. In accordance with the provisions of the Ontario Heritage Act s.34(4), Council is required to issue a decision within 90 days of this date, which in this case is April 10, 2018.

## **CONCLUSION**

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The demolition of the heritage property will remove all vestiges of the site's cultural heritage value or integrity. Demolition is contrary to the intent of the PPS, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada. As the property is a significant built heritage resource it should be conserved.

Staff recommend that Council refuse the proposed demolition application for the reasons outlined in this report.

## **CONTACT**

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## **SIGNATURE**

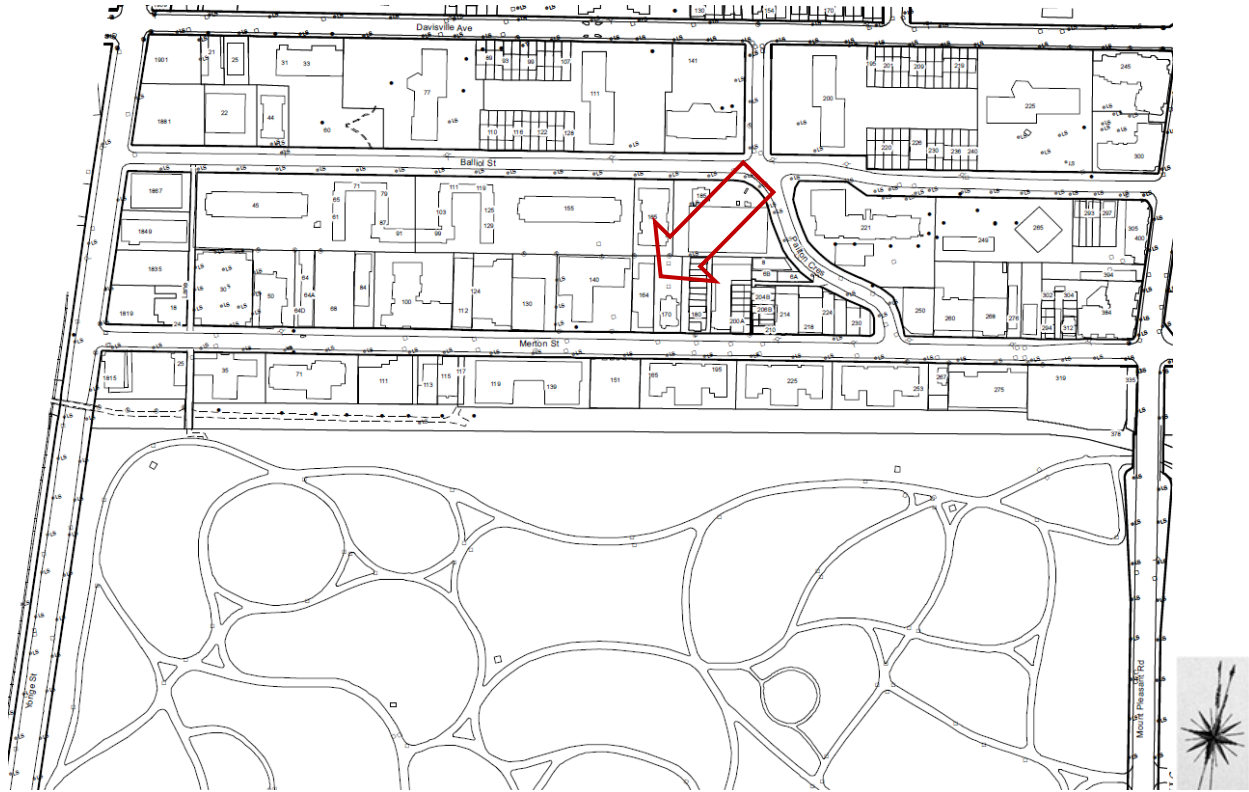
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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

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Attachment 1 – Location Plan  
Attachment 2 – Photographs  
Attachment 3 – Statement of Significance



This location map is for information purposes only; the exact boundaries of the properties are not shown. The arrow marks the site of the property at 170 Merton Street on the north side of Merton Street between Yonge Street and Mount Pleasant Road.





Photograph of the former Visiting Homemakers Association (VHA) building, currently occupied by Cresford Developments, 170 Merton Street, principal (south) and side (west) elevations (Heritage Preservation Services (HPS), 2017)

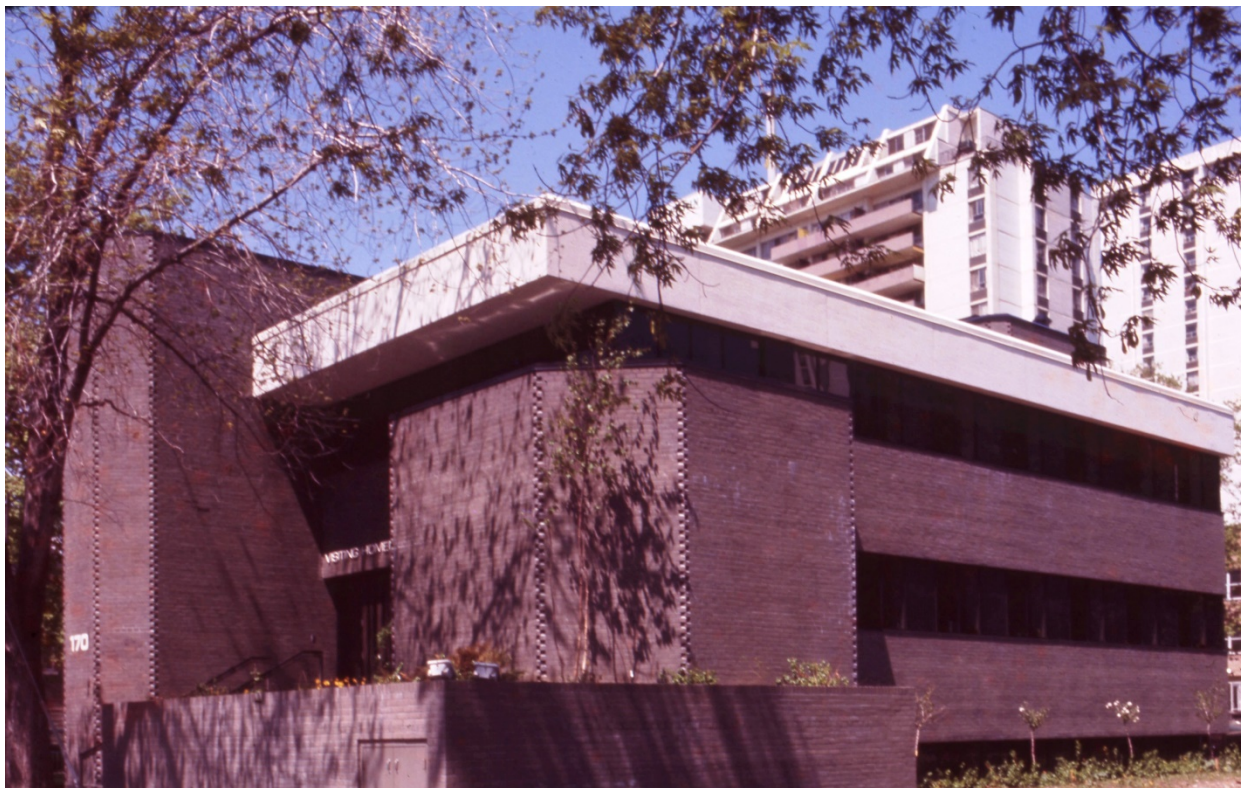


Early photograph of the VHA building showing the original pigment of the concrete brick cladding and paving (Leslie Rebanks)





Photograph of the VHA building, principal (south) and side (east) elevations (HPS, 2017)



Early photograph of the VHA building, showing the principal (south) and side (east) elevations with original pigmented concrete brick (Leslie Rebanks)

The property at 170 Merton Street (the former Visiting Homemakers Association) 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

The property at 170 Merton Street contains the former Visiting Homemakers Association building designed by Leslie Rebanks and constructed in 1969 as a two-and-a-half storey office building with brick cladding. An elevator was added on the east elevation in 1995.

#### Statement of Cultural Heritage Value

The former Visiting Homemakers Association headquarters building has design value as a distinctive representative of the post-war style known as Late Modernism. A high degree of artistic merit and craftsmanship is evident in the castle-like massing of the building including the octagonal towers and bays, the integration of a terrace space within the complex and the use of concrete brick and mortar (originally pigmented a dark grey) with expressed corner joints combined with 'ribbon windows.'

The building has associative value as the first purpose-built headquarters for the Visiting Homemakers Association (VHA), a Toronto-based social welfare agency which was founded in 1925 by Barbara Blackstock providing care to disadvantaged families, the sick, the elderly, and people living with intellectual disability and homelessness while also undertaking research and reporting on the co-relation between low wages, poverty and health. The VHA occupied the building for 40 years until 2010. The building has associative value as a formative work in the career of the Toronto-based architect Leslie Rebanks, a Fellow of the Royal Architectural Institute of Canada and an elected member of the Royal Canadian Academy of Arts, known for his award winning and critically-acclaimed projects for Wittington Properties Ltd. and Loblaws. The building also has value for its association with the W. Garfield Weston Foundation who donated the building and the property to the VHA dedicating it to the memory of Mrs. W. Garfield (Reta) Weston in 1970.

Contextually, the VHA headquarters building is important in defining and maintaining the mid-twentieth century character of Merton Street which, following the completion of the Yonge Subway line in 1954 and the local Davisville station, saw the transformation of the street from a late 19th-century road characterized by industrial buildings and Victorian semi-detached dwellings and row houses to a dense urban street of low-rise residential and commercial buildings with a variety of distinctive designs. The introduction of health and social welfare agencies, including the Girl Guides and War Amps as well as the VHA which had specially-designed headquarters, contributes to the distinctive post-war, architectural character of the street.

## Heritage Attributes

The heritage attributes of the former Visiting Homemakers Association are:

- The setback, placement and orientation of the building on the north side of Merton Street between Yonge Street and Pailton Crescent
- The scale, form and massing of the two-and-a-half storey office building with its octagonal towers on the south, west and north elevations
- On the principal (south) elevation, the octagonal one-and-a-half storey bay and the raised terrace and staircase on the south elevation and the projecting roof overhang
- The principal (south) elevation and two side elevations facing east and west with their concrete brick cladding
- The interlocking detail of the bricks at the corners of the towers and bays
- The arrangement of openings on the principal (south) elevation which includes, at the first floor, the recessed entrance, the ribbon windows at the second level and the corner windows at the south-west corner at the basement, first and second floor levels
- The arrangement of openings on the side elevations (west and east) with the bands of ribbon windows
- The black metal frames of the ribbon windows with their vertically proportioned openings

The following are not included as heritage attributes:

The 1995 elevator tower on the east elevation