

# Summerhill Residents Association

123 Summerhill Avenue, Toronto Ontario, M4T 1B1  
T: 416-967-7166, E: [debbiejb@outlook.com](mailto:debbiejb@outlook.com)

27 June 2018

VIA E-MAIL: [teycc@toronto.ca](mailto:teycc@toronto.ca)

Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto Ontario M5H 2N2

Attention: Ellen Devlin, Secretariat

116, 118, 120, and 122 Shaftesbury Avenue  
**TE34.58: Inclusion on the City of Toronto's Heritage Register**

Dear Chair Wong-Tam and Councillors:

The *Summerhill Residents Association* ("SRA") represents the area bounded by the CPR Tracks to the south, Yonge Street to the west, Woodlawn Avenue to the north, and David A. Balfour Park to the east. In response to numerous calls and letters from irate members, the SRA has investigated the underlying actions that led to the recommendation by the *Toronto Preservation Board* ("TPB") for inclusion of 116, 118, 120, and 122 Shaftesbury Avenue on the City of Toronto's Heritage Register. Please note that the SRA itself - despite representing an area slated for a potential Heritage District Study - was never contacted by *Heritage Preservation Services* ("HPS"). Notwithstanding the actual statutory requirements, a more transparent process, surely, would benefit all stakeholders. After a thorough review of both the procedural background and the substantive rationale advanced by HPS, the SRA concluded that it cannot support TPB's recommendation for the following reasons:

## **1. The Staff Report incorrectly describes the Background of this Initiative**

The Report claims that at *"its meeting of January 24, 2018, the Committee of Adjustment deferred consideration of an application seeking variances to permit alterations and additions to the property at 116 Shaftesbury Avenue pending a report from Heritage Preservation Services regarding the site's potential heritage value."* [Emphasis added] In fact, the Committee of Adjustment did not grant the request by HPS of 17 January 2018 for a six-month deferral. Instead, it granted a three-month deferral to permit negotiations with the neighbours, as requested by the applicant.

## **2. The Staff Report incorrectly identifies the Planning Status of 116 Shaftesbury**

The Report claims that the *"property at 116 Shaftesbury Avenue is the subject of a Committee of Adjustment application seeking to add a third-floor addition and a two-storey rear addition to the existing house form building."* In fact, neither at the report's date nor now is the property the subject of a Committee of Adjustment application since the property had been sold and the Minor Variance application withdrawn. This misrepresentation created a false sense of urgency for the TPB to act immediately.

## **3. The Affected Property Owners were effectively shut out from the Process**

Contrary to established practice of the Toronto Preservation Board, the affected owners were denied an opportunity to have meaningful input to this decision-making process. With the Minor Variance issue already moot, on Friday, 15 June 2018, the owners of 116, 118, 120, and 122 Shaftesbury received notice that a recommendation to include their properties on the City's Heritage Register would be presented to the Toronto Preservation Board on 20 June 2018. The 29-page Staff Report was not available until Tuesday, 19 June 2018, at 15:45 h - leaving no time for the affected property owners and the Board members alike to intelligently assess the validity of the documentation relative to the actual situation on

the ground. And yet, misinformed on the procedural status and unburdened by any personal insights into the actual built context, the TPB still rushed to endorse the staff recommendation. Since the *Heritage Act* was first enacted in 1975, the City had ample time to pro-actively identifying worthy heritage properties without resorting to an almost clandestine emergency operation.

#### **4. The Initiation of a Process under the *Heritage Act* was Improper**

The process under Section 27 of the *Heritage Act* was initiated by the owner of 118 Shaftesbury, based on the following justification: *"I provided Preservation Services with all my documentation and photographs on these properties in defence against the 4 bedroom reno at 116."* Such an approach to invoke the *Heritage Act* as defense in a Minor Variance matter under the *Planning Act* represents a patent misuse of heritage preservation processes that the City should not condone. Section 4.1 of Toronto's Official Plan provides a planning tool to defend against excessive renovations, such as the one proposed for 116 Shaftesbury (formally opposed by the SRA). Ironically, the inclusion of a non-designated property on the City's Heritage Register would not have impacted the proposed Minor Variance application since Section 27 (3) of the *Heritage Act* imposes only a 60-day notice period as restriction on demolition - an event about as likely to occur now as during the last 130 years.

#### **5. The Four Properties have little Design or Physical Value**

Contrary to the Staff Report, the properties are not *"part of the intact row of four two-storey house form buildings at 116, 118, 120 and 122 Shaftesbury Avenue dating to the late 19<sup>th</sup> century that is typical of the modest row housing identified with the development of the area north of the CP rail tracks that is now known as Summerhill."* Typical of the row housing identified with the development of the Summerhill area in the late 19<sup>th</sup> century, as the maps on the following page demonstrate, are the row housing developments around Ottawa Street and Tacoma Avenue. Also, these properties fail to represent a rare or unique *"early example of style, type, expression, material or construction method."* Over the years, these four houses have been modified, in some cases repeatedly, with a multitude of materials and architectural vocabularies.



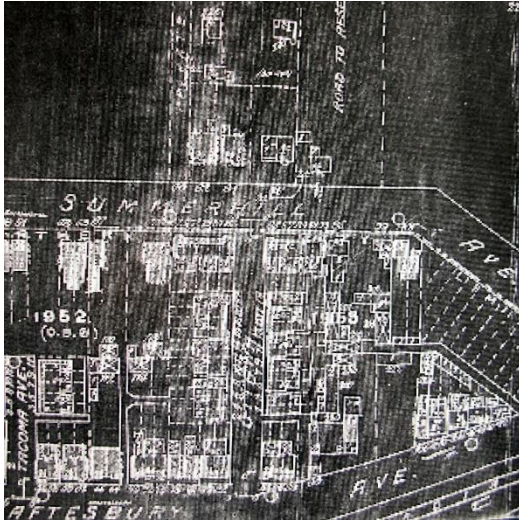
122 Shaftesbury and Street/Lane Intersection



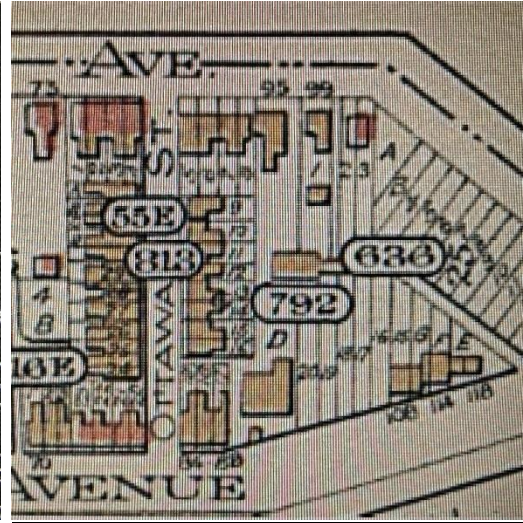
Frontage of 116-122 Shaftesbury on Public Lane

#### **6. The Four Properties have little Historical or Associative Value**

The Staff Report postulates the theory that there exists *"a direct association with a theme, event, belief, person, activity, organization or institution that is significant to the community"* and that *"yields, or has the potential to yield information that contributes to an understanding or a community or culture,"* simply because a local resident and builder named Edward Martin once owned all four houses and some properties on Shaftesbury Place. This language is reproduced word-for-word from *Ontario Regulation 9/06* issued under the *Heritage Act* to guide the designation of heritage properties but provides minimal probative value for understanding the significance of Edward Martin to the community or culture.



Map of 1903



Map of 1890

### **7. The Four Properties have little Contextual Value**

According to the Staff Report, the four properties are “important in defining, maintaining or supporting the character of an area” and are “physically, functionally, visually or historically linked to its surroundings.” Again, this is the language of *Ontario Regulation 9/06* which could apply to thousands of properties. Simply because these four properties “are historically and visually linked to their setting along the northern edge of the CP railway which employed many of the area’s first residents” is hardly a valid reason to impose a 60-day moratorium on demolition.

**In summary, the misinformation on the procedural status presented to the TPB, the absence of any procedural fairness towards the affected property owners, the procedural misuse of Section 27 of the *Heritage Act* to intervene in an application under Section 45 of the *Planning Act*, and the scantiness of any rational substantive heritage arguments – all these factors combine to create an untenable situation that calls for corrective action by Council. Having now carefully reviewed the circumstances surrounding the recommendation by the TPB, the Summerhill Residents Association, respectfully, requests Council to reject – not just to defer – the proposed inclusion of the four properties on the City’s Heritage Register as inappropriate.**

Yours sincerely,  
**Summerhill Residents Association**

Debbie Briggs  
President

Copies:  
Mayor John Tory and Toronto City Council  
Gregg Lintern, Chief Planner & Executive Director, City Planning Division