

## **Action Taken Under Delegation of Authority to Deal with Heritage Matters during and after the 2018 Municipal Election**

**Date:** January 15, 2019

**To:** Toronto Preservation Board

Toronto and East York Community Council

**From:** Chief Planner and Executive Director, City Planning Division

**Wards:** Ward 22 - St. Paul's

### **SUMMARY**

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This report addresses the decisions made by the Chief Planner through his delegated authority to deal with heritage matters in connection with 64 Woodlawn Avenue West during and after the 2018 Municipal Election.

### **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor and the necessary City staff to attend the Local Planning Appeal Tribunal hearing in opposition to the appeal of the decision to refuse the issuance of a demolition permit under Section 34 of the Ontario Heritage Act for the heritage property at 64 Woodlawn Avenue West.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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The property at 64 Woodlawn Avenue West includes a building known as the Caldecott House. It is a fine representative example of an early 20th century house that was designed in the Period Revival style influenced by the Arts and Crafts Movement by the Toronto architect Eden Smith.

At its meeting of November 27, 2017, the Committee of Adjustment refused an application to sever this property into two parcels and two minor variance applications to construct a new three-storey detached dwelling on each newly severed lot. As 64 Woodlawn Avenue West was not included in the City's Heritage Register, Heritage Preservation Services did not review the Committee of Adjustment application for this property. The refusal was appealed to the Toronto Local Appeal Body (TLAB) and a hearing was scheduled for March 19, 2018, which was subsequently adjourned and the TLAB hearing concluded, after five days, on November 1, 2018. At the time of this report, the decision of the TLAB is pending.

The Committee of Adjustment application, decision notice and all supporting documentation, including materials related to the TLAB hearing are available on the City of Toronto's Development Applications web site:

<http://app.toronto.ca/DevelopmentApplications/mapSearchSetup.do?action=init>

Following research and evaluation, it was determined that the property at 64 Woodlawn Avenue West met the criteria set out in Ontario Regulation 9/06 for designation under Part IV, Section 29 of the Ontario Heritage Act. Given the imminent TLAB hearing and the risk of Caldecott House being demolished, City Council issued on March 26, 2018 a Notice of Intention to Designate this property in accordance with the Statement of Significance attached as Attachment 3 to this report. The staff report and details of the Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM38.28>

On May 24, 2018 By-law 606-2018 was approved which designated the property at 64 Woodlawn Avenue West under Part IV of the Ontario Heritage Act. The designation By-law is available at:

<https://www.toronto.ca/legdocs/bylaws/2018/law0606.pdf>

On August 14, 2018 an application to demolish the designated building at 64 Woodlawn Avenue West was received. A notice of receipt was issued on August 20, 2018 and the owner was informed that under delegated authority, the Chief Planner and Executive Director was required to refuse the demolition application. The owner was provided an opportunity to withdraw their demolition application to avoid a non-discretionary refusal, however did not do so. This application was refused by the Chief Planner on November 2, 2018, under the authority delegated to him from City Council and the Toronto Preservation Board through By-law 1062-2013. The owner subsequently appealed the refusal to the Local Planning Appeal Tribunal.

## **Heritage property**

The property at 64 Woodlawn Avenue West is valued for its design as a fine representative example of an early 20th century house form building designed in the Period Revival style influenced by the Arts and Crafts Movement as interpreted by architect Eden Smith. It has associative value as it was designed by the noted Toronto architect, Eden Smith and its original owner, Robert Stapleton Pitt Caldecott (1836-1907), was a highly regarded businessman who served as the president of the Toronto Board of Trade and was considered an expert in international trade. Caldecott House

has contextual value because of the contribution it makes to the character of the area which was developed on William Hume Blake's 19th-century "Woodlawn" estate as an upscale residential enclave that was annexed by the City of Toronto in 1888. The property at 64 Woodlawn Avenue West is also historically, visually and physically linked to its setting where, with its neighbours to the west, the Caldecott House is set back from the street line on a slight rise of land.

The Statement of Significance for the property at 64 Woodlawn Avenue West which comprises the Reasons for Designation is included as Attachment 3.

## **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. Under delegated authority, the Chief Planner and Executive Director refused the application to demolish.

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 Local Planning Appeal Tribunal (LPAT).

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

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.

## **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 9 of these standards apply to the demolition of 64 Woodlawn Avenue West. These include:

1. 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.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.

3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. 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.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.

## **COMMENTS**

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Section 103-37 of the Toronto Municipal code states that:

"The authority delegated to the Chief Planner and Executive Director under this article shall be in effect during any period of time where the regular meeting schedule for Council, Community Councils or the Toronto Preservation Board precludes Council from consulting with the Toronto Preservation Board and responding to notices and applications under the Ontario Heritage Act within legislated response periods including:

A. Election periods;"

Section 103-38(B) directs that the Chief Planner and Executive Director shall refuse applications to demolish buildings or structures on properties designated under Part IV of the Ontario Heritage Act.

When the application to demolish the house was received the City Council and the Toronto Preservation Board were in a period of recession due to the 2018 municipal election. As a consequence the Chief Planner and Executive Director exercised his delegated authority under the above noted sections of the Toronto Municipal Code to

refuse the demolition of the building on the designated property at 64 Woodlawn Avenue West. This was the only delegated action undertaken by the Chief Planner and Executive Director during the period of recession associated with the 2018 municipal election.

A location map (Attachment 1) and photographs (Attachment 2) are attached.

Located on the north side of Woodlawn Avenue West, west of Yonge Street and south of St. Clair Avenue West, the Caldecott House (1906) is valued as a fine representative example of Period Revival design influenced by the Arts and Crafts movement by the notable Toronto architect, Eden Smith, which was commissioned by Toronto businessman and trade expert, Stapleton Caldecott. Contextually, the property contributes to the character of Woodlawn Avenue West, which originated as part of politician and lawyer William Hume Blake's 19th-century "Woodlawn" estate and was developed afterward as an upscale residential enclave where the Caldecott House is historically, visually and physically linked to its setting.

The Statement of Significance for the property at 64 Woodlawn Avenue West which comprises the Reasons for Designation is included as Attachment 3.

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.

## **CONTACT**

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## **SIGNATURE**

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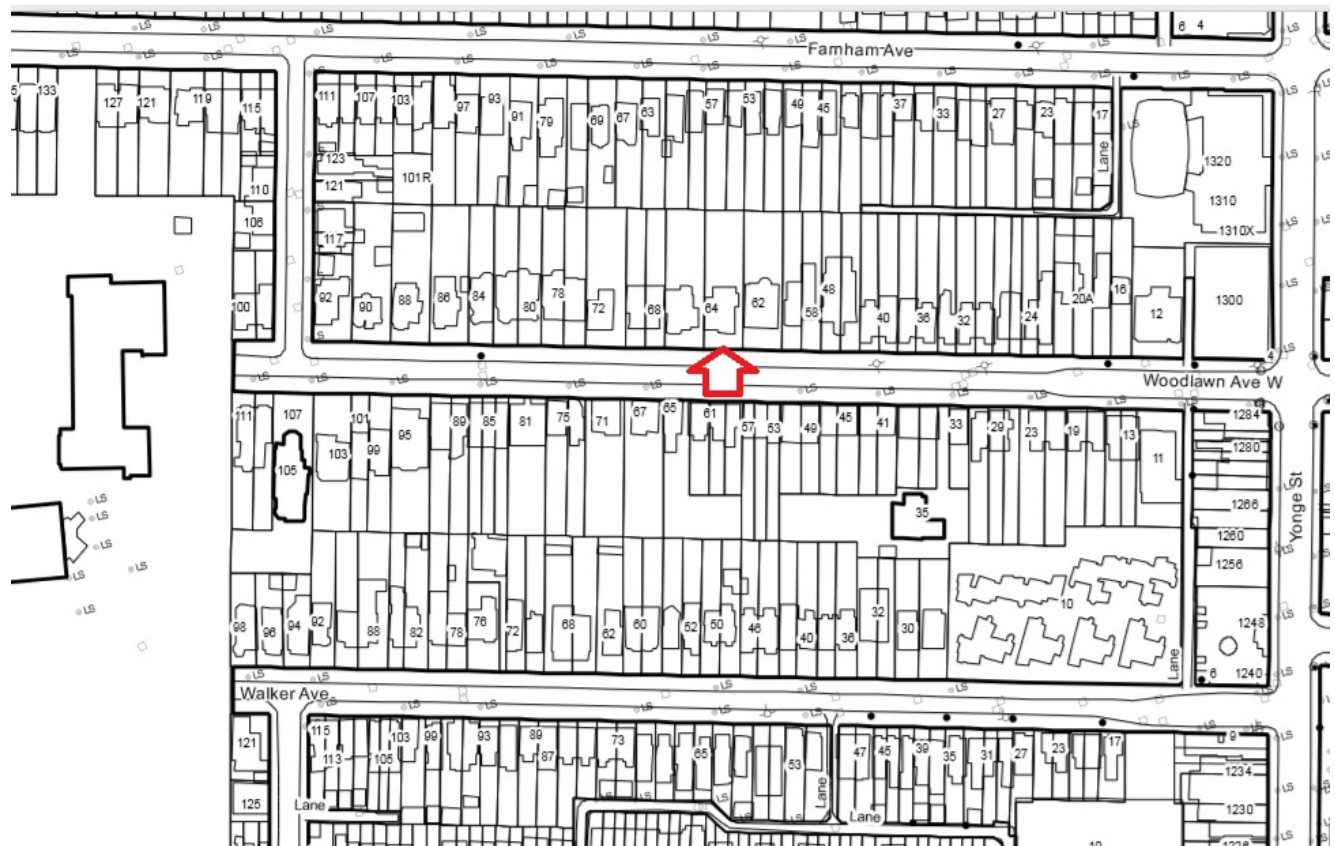
## **ATTACHMENTS**

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Attachment 1: Location Map

Attachment 2: Photograph

Attachment 3: Statement of Significance (Reasons for Designation)





64 Woodlawn Avenue West, showing the principal (south) elevation  
(Heritage Preservation Services, 2018)

## Caldecott House

The property at 64 Woodlawn Avenue West 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 64 Woodlawn Avenue West contains a 2½-storey detached house form building that is located on the north side of the street, west of Yonge Street and south of St. Clair Avenue West. It was developed on a subdivision of the former "Woodlawn" estate along Walker and Woodlawn avenues, which was annexed by the City of Toronto in 1888. The dwelling at 64 Woodlawn Avenue West was constructed in 1906 for Toronto businessman, Stapleton Caldecott and his wife, Emma Arnold Caldecott according to the designs of the notable Toronto architect, Eden Smith. For over 50 years, the site was owned by James H. Swan, whose family had acquired other allotments on Woodlawn Avenue West in the early 20th century.

### Statement of Significance

The property at 64 Woodlawn Avenue West is valued for its design as a fine representative example of an early 20th century house form building designed in the Period Revival style influenced by the Arts and Crafts Movement as interpreted by architect Eden Smith. It is distinguished by its asymmetrical plan with the projecting bays, the complicated roofline with the gables and the distinctive canted chimneys, and the decorative wood strapwork.

The associative value of the Caldecott House is through its identification with Toronto architect Eden Smith, who designed the dwelling. The English-born architect is noted for his distinctive designs influenced by the Arts and Crafts ideals of William Morris and his circle. In Toronto, following his high-profile commission for St. Thomas's Church (1892) on Huron Street, Smith focused on designing houses in high-end neighbourhoods and enclaves throughout the city, among them Wychwood Park, the neighbourhood inspired by North American artists' colonies, which was amongst the first Heritage Conservation Districts in Toronto.

The property at 64 Woodlawn Avenue West is also valued for its association with its original owner, Robert Stapleton Pitt Caldecott (1836-1907), who commissioned the house. Caldecott was a highly regarded businessman who served as the president of the Toronto Board of Trade and was considered an expert in international trade.

Contextually, the Caldecott House is valued for its contribution to the character of the area, which originated as William Hume Blake's 19th-century "Woodlawn" estate and was developed afterward as an upscale residential enclave that was annexed by the

City of Toronto in 1888. The property at 64 Woodlawn Avenue West is also historically, visually and physically linked to its setting where, with its neighbours to the west, the Caldecott House is set back from the street line on a slight rise of land.

### Heritage Attributes

The heritage attributes of the Caldecott House at 64 Woodlawn Avenue West are:

- The setback, placement and orientation of the building on the north side of the street
- The scale, form and massing of the 2½-storey house form building
- The cross-gable roof with the gable on the south slope, the canted brick corner chimneys, and the gabled wall dormer (south)
- The materials, with the brick cladding and the brick, stone and wood detailing (the brickwork has been painted), including the wood strapwork in the gables
- The principal (south) elevation, with the main entrance, which is set in a flat-headed surround with sidelights under an open gable-roofed porch between single- and two-storey bay windows
- The side elevations (east and west), which are viewed from Woodlawn Avenue West, including the two-storey bay window on the east wall

Note: the rear (north) wing and the detached garage (1929) at the south end of the property are not identified as heritage attributes.