

## **Demolition of a Property Subject to Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act - 206 Russell Hill Road**

**Date:** September 27, 2019

**To:** Toronto Preservation Board

Toronto and East York Community Council

**From:** Senior Manager, Heritage Preservation Services, Urban Design, City Planning

**Wards:** Ward 12 - Toronto-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 206 Russell Hill Road, 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 December 1, 2019.

### **RECOMMENDATIONS**

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The Senior Manager, Heritage Preservation Services, Urban Design, City Planning recommends that:

1. City Council refuse the issuance of a demolition permit for the heritage property at 206 Russell Hill Road, 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 206 Russell Hill Road, City Council authorize the City Solicitor and the necessary City staff to attend the Local Planning Appeal Tribunal (LPAT) 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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At its June 18, 2019 meeting, City Council adopted the recommendations to include the property at 2016 Russell Hill Road on the City's Heritage Register and state its intention to designate the property under Part IV, Section 29, of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC8.13>

The Notice of Intention to Designate was issued on June 21, 2019.

<http://app.toronto.ca/nm/api/individual/notice/801.do>

On July 23, 2019 an objection to the designation was received by the City Clerk and the matter will be referred to the LPAT.

## BACKGROUND

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### Proposal

The applicant is proposing to demolish the building on the designated heritage property and is seeking a Zoning By-law Amendment and Site Plan Approval for the construction of a townhouse development.

On May 7, 2018, applications for a Zoning By-law Amendment and Site Plan Approval were submitted to the City to replace the existing house with four three-storey townhouses. An application to demolish the existing house in order to facilitate the development of this property was submitted to Toronto Building in April 2019 (2019 141774 DEM 00 DM). A demolition permit was not issued due to the absence of a permit for a replacement building as per the City's Residential Demolition Control By-law. On May 15, 2019, a building permit application for a new single family dwelling was submitted to Toronto Building.

On June 18, 2019, City Council stated its intention to designate the property. Following research and evaluation under Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, it was determined that the property at 206 Russell Hill Road merited designation under Part IV, Section 29 of the Ontario Heritage Act for its design, associative and contextual value.

A complete Application to Demolish a Heritage Structure under Part IV of the Ontario Heritage Act has been received and a Notice of Receipt was served on the applicant on September 3, 2019. 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 is December 1, 2019.

## **Heritage Property**

The property at 206 Russell Hill Road is located on the west side of the street, south of St. Clair Avenue West in the South Hill neighbourhood. The property is elevated on a hillside where the lot extends west to Sir Winston Churchill Park and contains a 2½-storey detached house form building that was constructed in 1910 for William Sefton Hodgens (1878-1963) according to the designs of Toronto architect Ewart G. Wilson.

The property at 206 Russell Hill Road is valued for its design as a well-crafted example of the Period Revival, one of the most popular styles for upscale residential architecture in the World War I era, which is particularly distinguished by its detailing inspired by the Arts and Crafts Movement. The William S. Hodgens House displays hallmarks of the style in its varied cladding, the intricate profile incorporating the roof with the gambrel form, extended east slope, parapets and multiple chimneys, and the varied fenestration including bay windows and shed-roof dormers.

The William S. Hodgens House is historically associated with the origins of the South Hill neighbourhood where, following the subdivision of the former Russell Hill estate, it occupied one of the larger tracts adjoining the Nordheimer Ravine. It is also linked to the practice of Ewart G. Wilson who, in a career spanning a quarter-century, was noted for his residential commissions in Rosedale, Forest Hill and other prestigious neighbourhoods, and elegant apartment houses, including the Broadview Mansions (1927), the listed heritage property overlooking Riverdale Park.

Contextually, the William S. Hodgens House supports and maintains the historical character of the South Hill community as an early-20th century residential enclave with recognized heritage buildings on Clarendon Avenue, Clarendon Crescent, Warren Road, Balmoral Avenue and Poplar Plains Road, as well as Russell Hill Road. The property at 206 Russell Hill Road is also historically, visually and physically linked to its location on an elevated site adjoining Sir Winston Churchill Park.

## **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 Local Planning Advisory Tribunal (LPAT).

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

## **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 206 Russell Hill Road. 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

## **COMMENTS**

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A condition assessment was submitted with the application to demolish the heritage structure, prepared by ERA Architects Inc., dated August 23, 2019. A visual assessment of all exterior elevations from grade to roof was undertaken and the building was found to be generally in good condition. Good condition is defined in the condition assessment as "functioning as intended; normal deterioration observed; no maintenance anticipated within the next five years."

All applicable provincial and municipal policies require the conservation of heritage properties. The demolition of the structure on the property at 206 Russell Hill Road would result in the irrevocable loss of the property's cultural heritage value and interest. The condition of the building is good and its demolition does not comply with any applicable policies.

HPS staff reviewed the application for completeness and a Notice of Receipt was issued on September 3, 2019. In accordance with the provisions of the Ontario Heritage Act s.34(4), City Council is required to issue a decision within 90 days of this date, which is December 1, 2019.

## **CONCLUSION**

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The demolition of the building on the heritage property will remove all vestiges of the site's cultural heritage value and integrity. Demolition is contrary to the intent of the PPS, the Growth Plan for the Greater Golden Horseshoe, the Planning Act, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada. The property at 206 Russell Hill Road is a protected heritage property that contains a significant built heritage resource and is to 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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Mary L. MacDonald, MA, CAHP  
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## **ATTACHMENTS**

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Attachment 1 - Location Map  
Attachment 2 - Photographs  
Attachment 3 - Statement of Significance







View looking south-west

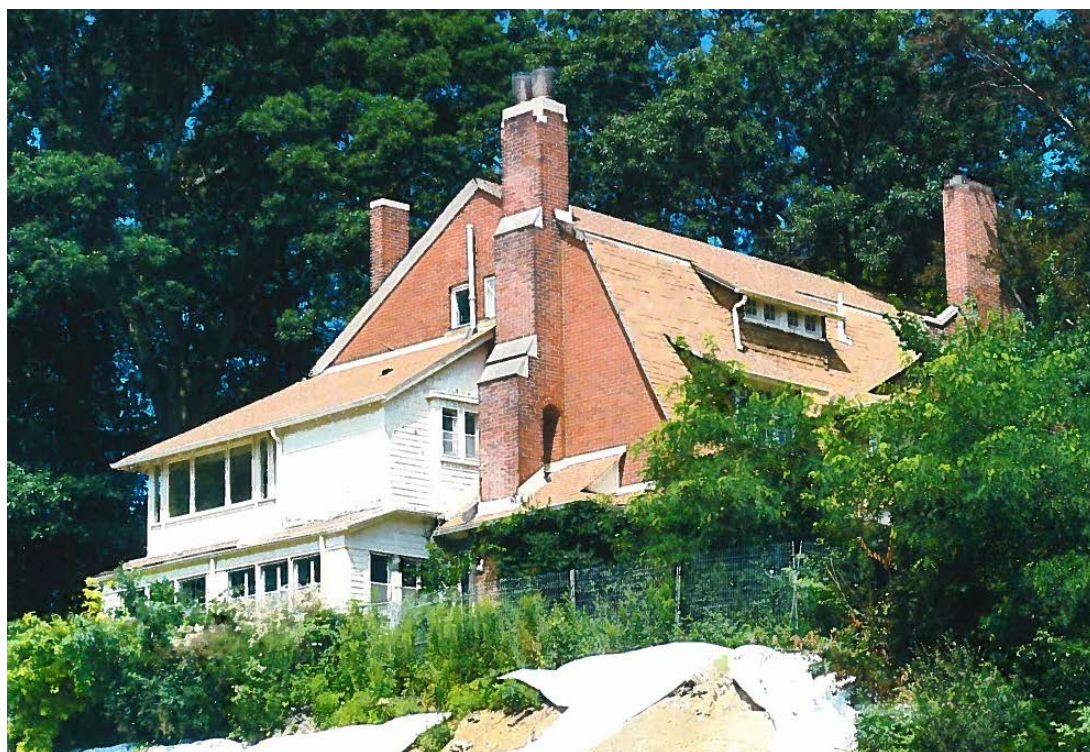


East elevation



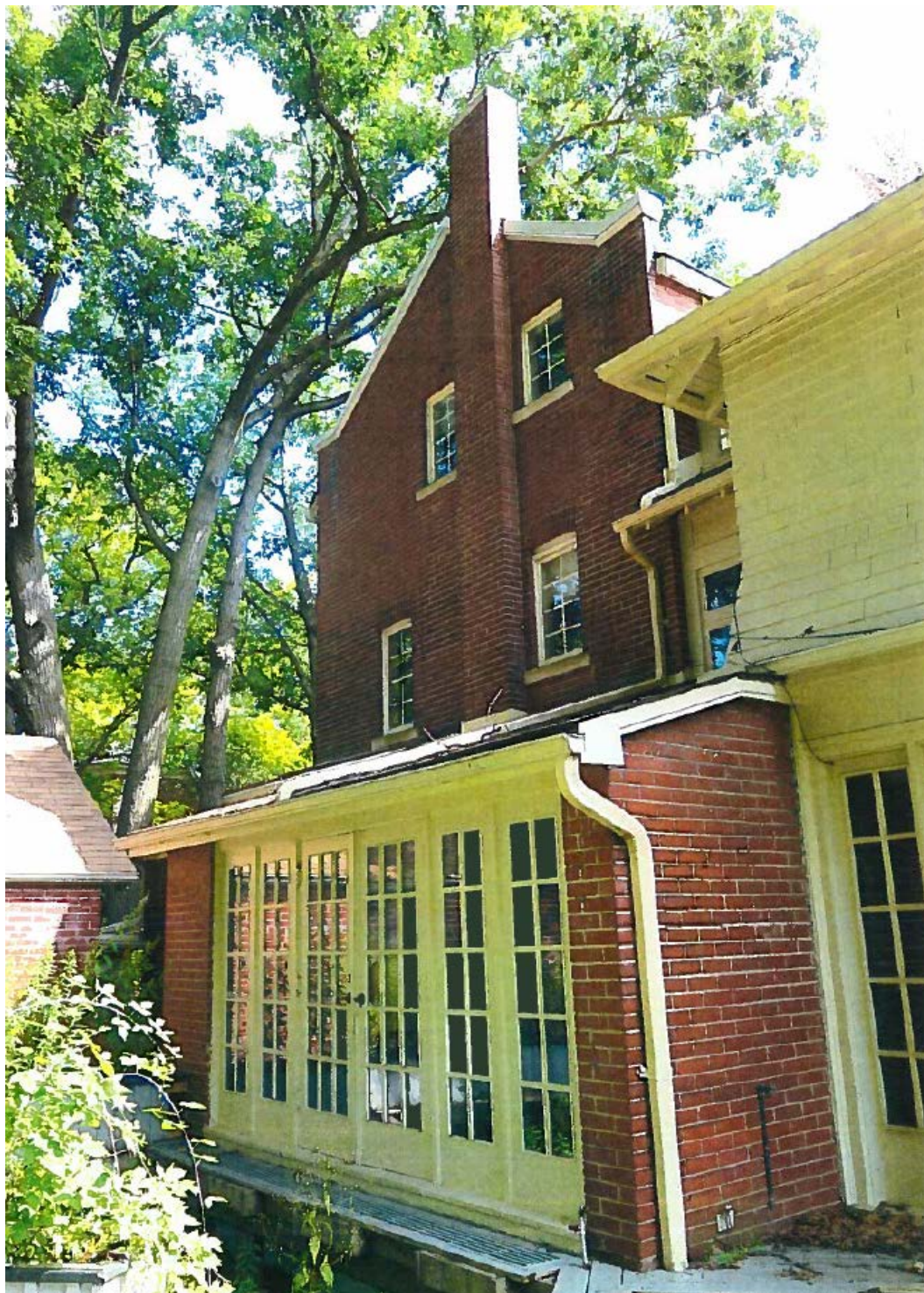


North elevation



South elevation





West elevation

The property at 206 Russell Hill Road is worthy of inclusion on the City of Toronto's Heritage Register and 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 west side of the street, south of St. Clair Avenue West in the South Hill neighbourhood, the property at 206 Russell Hill Road is elevated on a hillside where the lot extends west to Sir Winston Churchill Park. It contains a 2½-storey detached house form building that was constructed in 1910 for William Sefton Hodgens (1878-1963) according to the designs of Toronto architect Ewart G. Wilson. Hodgens was a self-made financier and one of the original directors of the Dominion Securities Corporation (forerunner to today's RBC Securities) who resided at 206 Russell Hill with his wife, Margaret Wood Meikle for over half a century. Following Hodgens's death, the Basilian Fathers of Toronto were among the subsequent owners of the property.

### **Statement of Cultural Heritage Value**

The property at 206 Russell Hill Road is valued for its design as a well-crafted example of the Period Revival, one of the most popular styles for upscale residential architecture in the World War I era, which is particularly distinguished by its detailing inspired by the Arts and Crafts Movement. The William S. Hodgens House displays hallmarks of the style in its varied cladding, the intricate profile incorporating the roof with the gambrel form, extended east slope, parapets and multiple chimneys, and the varied fenestration including bay windows and shed-roof dormers.

The William S. Hodgens House is historically associated with the origins of the South Hill neighbourhood where, following the subdivision of the former Russell Hill estate, it occupied one of the larger tracts adjoining the Nordheimer Ravine. It is also linked to the practice of Ewart G. Wilson who, in a career spanning a quarter-century, was noted for his residential commissions in Rosedale, Forest Hill and other prestigious neighbourhoods, and elegant apartment houses, including the Broadview Mansions (1927), the listed heritage property overlooking Riverdale Park.

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### **Heritage Attributes**

The heritage attributes of the William S. Hodgens House at 206 Russell Hill Road are:

- The setback, placement and orientation of the building on the west side of the street, south of St. Clair Avenue West and adjoining Sir Winston Churchill Park
- The scale, form and massing of the 2½-storey plan

- The roof with the gambrel form, extended slope and multiple shed-roof dormers (east), the parapets (east and west) and the four brick chimneys, including the oversized chimney on the east end
- The materials, with the red brick cladding and the brick, stone and wood detailing  
The principal (east) elevation, where the main entrance is placed off-centre in the first (ground) floor and protected by the open gable on brackets and the stepped stone wall
- The north side elevation with the secondary entrance and the wood detailing
- On all elevations, the fenestration that incorporates flat-headed openings with stone lintels or wood surrounds, segmental-arched openings with brick flat arches and stone sills, and bay windows with wood detailing (some of the openings have been altered)
- In many of the openings, the multi-paned windows that reflect the Period Revival styling

The detached garage at the north end of the property is not identified as a heritage attribute.