

## **94 Isabella Street – Proposed Designation By-law Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objections**

**Date:** March 20, 2023

**To:** City Council

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

**Wards:** 13 - Toronto Centre

### **SUMMARY**

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This report recommends that Council affirm its decision of December 14, 2022 (Item CC2.18) stating its intention to designate the property at 94 Isabella Street under Part IV, Section 29 of the Ontario Heritage Act. The City has received an objection to the Notice of Intention to Designate on behalf of the property owner within the statutory timeline.

The property at 94 Isabella Street comprises a two-and-a-half-storey house-form building located on the north side of Isabella Street, west of Jarvis Street. Designed by Edmund Burke of the prominent architecture firm Langley & Burke, the house was constructed in c.1885 for Helen E. McMaster. The Queen Anne Revival-style residence later served as a private hospital, a rooming house, and a home for Jesuit priests. City Council included the subject property on the City of Toronto's Heritage Register in 1981.

In June 2019, the More Homes, More Choice Act, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the Ontario Heritage Act (the "OHA") which included amendments to the listing and designation processes. The Bill 108 Amendments to the OHA came into force on July 1, 2021.

City Council has until April 18, 2023, 90 days from the date of the end of the objection period, to make a decision on this objection as per the timeline under the OHA.

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, under all three categories of design/physical, historical/associative, and contextual values.

As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, this property should be designated. Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

## **RECOMMENDATIONS**

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

1. City Council affirm its decision to state its intention to designate the property at 94 Isabella Street under Part IV, Section 29 of the Ontario Heritage Act as set out in Council Decision CC2.18 on December 14, 2022.
2. City Council authorize the City Solicitor to introduce the Bill in Council designating the property at 94 Isabella Street under Part IV, Section 29 of the Ontario Heritage Act.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On December 14, 2022, Council stated its intention to designate the property at 94 Isabella Street under Part IV, Section 29 of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.18>

## **BACKGROUND**

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Council has stated its intention to designate the property at 94 Isabella Street under Part IV, Section 29 of the OHA. Notice of Council's intention to Designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the OHA. The objection period ended on January 18, 2023.

A Notice of Objection was received by the City Clerk on behalf of the owners of the property within the required timeframe set out in the OHA. The OHA requires that Council consider and make a decision on an objection within 90 days from the end of the objection period, subject to any permitted exceptions under the OHA. Council may decide to withdraw, amend, or affirm its intention to designate.

## COMMENTS

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Staff have reviewed the Notice of Objection dated January 13, 2023, and prepared by Sherman Brown Barristers & Solicitors. The Notice of Objection is included as Attachment 1 to this report. Through this letter the owners express a preference that the designation of this property be deferred to allow for further cooperation between the owners and City staff.

The objection does not question the property's cultural heritage value as laid out in the Statement of Significance (Reasons for Designation) adopted by Council, which is appended to this report as Attachment 2. A Heritage Impact Assessment for the proposed development at 90a-94 Isabella Street, prepared by GBCA and submitted in May 2022, acknowledges the cultural heritage value of 94 Isabella Street. The proposed development would incorporate portions of the existing property.

The OHA prescribes the process of designation of a property under Part IV of the OHA. The OHA also prescribes criteria under O. Reg 9/06 required to be evaluated to determine whether a property has cultural heritage value or interest and therefore should be recommended for designation under the OHA. Planning Act applications do not determine the cultural heritage value or interest of a heritage property nor are they included in criteria for the evaluation or determination of cultural heritage value. Instead, Planning Act applications are to be informed by the designation by-laws and cultural heritage value or interest determined under the OHA such that a determination can be made whether the level of intervention and conservation proposed for a designated property is appropriate. To reach this understanding, it is necessary to first understand the cultural heritage value of a property prior to planning for change and considering interventions to the heritage property.

The sequential approach described above is consistent with the Standards and Guidelines for Historic Places in Canada and is also consistent with the intent of the Provincial Policy Statement (2020), which clarify that determination of the cultural heritage value should be undertaken prior to the application of heritage conservation policies to a particular planning application. Likewise, recent changes to the OHA through Bill 108 requires that municipalities designate properties with cultural heritage value or interest within 90 days of the clerk issuing a notice of complete application for the planning application, unless the timeline is extended or waived by the owner. The appropriateness of proposed interventions to a heritage property within the planning process are then determined through an alteration or demolition application under Section 33 and Section 34 of the OHA. Whether a related planning application will conserve a heritage property is not a consideration or a determination to be made within the context of a designation by-law under Section 29 of the OHA.

Staff remain of the opinion that the property at 94 Isabella Street meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the OHA, on the basis of its design/physical, historical/associative, and contextual values.

Should Council affirm its intention to designate, the City Solicitor will introduce a designating by-law to Council under Section 29 of the OHA. Once Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the OHA, an appeal may be made to the Ontario Land Tribunal in accordance with the OHA. The Ontario Land Tribunal Decision is binding.

## **CONCLUSION**

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The property at 94 Isabella Street meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, under all three categories of design/physical, historical/associative, and contextual values. As such, despite the Notice of Objection, this property should be designated.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1 – Letter of Objection – 94 Isabella Street  
Attachment 2 – Statement of Significance – 94 Isabella Street  
Attachment 3 - Photograph

**STATEMENT OF SIGNIFICANCE  
(REASONS FOR DESIGNATION)**

**ATTACHMENT 2**

**HELEN E. McMASTER HOUSE  
94 ISABELLA STREET**

The property at 94 Isabella 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 the categories of design/physical value, historical/associative value, and contextual value.

**Description**

The subject property at 94 Isabella Street consists of a house-form building located on the north side of Isabella Street, west of Jarvis Street. The building measures two-and-a-half storeys with a raised basement constructed in rusticated stone, red brick at the first storey, and shingled cladding at the second storey on the south (primary) elevation, wrapping around to the sides. Set back behind a landscaped lawn with a short gate, the building lacks a primary entry on the front elevation and is instead accessed by a door on the west elevation.

The building's design represents the Queen Anne Revival style. Characterized by an eclectic and picturesque application of varied historical influences, the style originated in the 1860s in England and by the 1880s had grown popular within Canadian residential architecture. Key stylistic components of the subject property's design include the asymmetrical composition of each of its elevations, the irregular roofline featuring gables and corbelled brick chimneys, and the varied textures of its material palette.

Along with the adjacent designated properties at 90-92 Isabella Street, and a number of properties in the vicinity along Jarvis Street, the subject property contributes to a layer of built fabric reflecting the area's early development for the residences of prominent Torontonians.

The Helen E. McMaster House was listed on the City of Toronto's Heritage Register in 1981.

**Statement of Cultural Heritage Value**

Constructed in 1884-1885, the Helen E. McMaster House is an intact, representative example of a Queen Anne Revival-style residence. Characterized by an eclectic and picturesque application of varied historical influences, the style originated in the 1860s in England and by the 1880s had grown popular within Canadian residential architecture. Key stylistic components of the subject property's design include the asymmetrical composition of its elevations, the irregular roofline featuring gables and corbelled brick chimneys, the varied textures of its material palette, oriel and bay windows, and details such as wood brackets and bargeboards.

The property demonstrates the work of Edmund Burke (1850-1919), of the architectural firm of Langley & Burke. Burke was a prolific and influential architect in Toronto, known for his versatility and application of new building technologies. Noted for its Queen Anne Revival-style design and precedential use of shingled cladding, the Helen E. McMaster House reflects Burke's approach to prominent residential commissions in the late nineteenth century.

The property is important in maintaining and supporting the character of the area along Isabella Street and continuing along Jarvis Street. Representing the popular residential styles of the time, including Queen Anne Revival style at 94 Isabella Street and at the properties to the immediate west, these remaining house-form buildings are characterized by fine architectural detailing and deeper landscaped setbacks, as seen at the subject property. The property is also visually and historically linked to its surroundings. Along with the adjacent designated properties at 90-92 Isabella Street, and a number of properties in the vicinity along Jarvis Street, the subject property contributes to a layer of built fabric reflecting the area's early development for the residences of prominent Torontonians.

## **Heritage Attributes**

### **Design and Physical Value**

The following heritage attributes contribute to the cultural heritage value of the property at 94 Isabella Street as a representative example of a Queen Anne Revival-style residence:

- The scale, form, and massing of the property as a two-and-a-half-storey house-form building
- The property's richly textured material palette, including rusticated stone at the foundation, red brick at the first storey, and shingled cladding at the second storey on the south (primary) elevation, wrapping around to the sides
- The south, west, east, and north walls with their asymmetrical composition, characteristic of the Queen Anne Revival style
- The irregular roofline featuring gables and corbelled brick chimneys
- The variety of fenestration, characteristic of the Queen Anne Revival Style, including a bay window on the south elevation, dormer windows including gabled dormers on the south elevation, an oriel window on the west elevation, and arched transom windows on the west elevation
- Additional architectural details including wood brackets and bargeboards, arched brick around multiple door and window openings, and decorative brick and stone banding

### **Historic and Associative Value**

The following heritage attributes contribute to the cultural heritage value of the property at 94 Isabella Street as a demonstration of the work of architect Edmund Burke:

- The scale, form, and massing of the property as a two-and-a-half-storey house-form building

- The property's richly textured material palette, including rusticated stone at the foundation, red brick at the first storey, and shingled cladding at the second storey on the south (primary) elevation, wrapping around to the sides
- The south, west, east, and north walls with their asymmetrical composition, characteristic of the Queen Anne Revival style
- The irregular roofline featuring gables and corbelled brick chimneys
- The variety of fenestration, characteristic of the Queen Anne Revival Style, including a bay window on the south elevation, dormer windows including gabled dormers on the south elevation, an oriel window on the west elevation, and arched transom windows on the west elevation
- Additional architectural details including wood brackets and bargeboards, arched brick around multiple door and window openings, and decorative brick and stone banding

### **Contextual Value**

The following heritage attributes contribute to the cultural heritage value of the property at 94 Isabella Street as an important part of the area's nineteenth-century residential layer:

- The property's siting and orientation on the north side of Isabella Street, west of Jarvis Street
- The property's deeper landscaped setback with a gated lawn facing Isabella Street
- The scale, form, and massing of the property as a two-and-a-half-storey house-form building
- The property's richly textured material palette, including rusticated stone at the foundation, red brick at the first storey, and shingled cladding at the second storey on the south (primary) elevation, wrapping around to the sides

**PHOTOGRAPH**  
**94 ISABELLA STREET**

**ATTACHMENT 3**

