

## **Demolition of a Heritage Attribute and a Structure to a Designated Property at 35 Kingsway Crescent**

**Date:** June 30, 2023

**To:** City Council

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

**Wards:** 3 - Etobicoke - Lakeshore

### **SUMMARY**

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This report recommends that City Council grant retroactive approval under Section 34 (1) 1 of the Ontario Heritage Act for the demolition of a heritage attribute, being the removal of the curved wall identified as a designated heritage attribute in the designation by-law for 35 Kingsway Crescent. The wall was damaged and then removed during recent construction activity on the site. To mitigate this loss the proposal is to reconstruct a new wall to match the original using salvaged material.

This report also recommends approval under Section 34 (1) 2 of the Ontario Heritage Act for the proposed demolition of the existing detached garage. The garage is identified as a heritage attribute in the designation by-law for this property. The garage is in a poor structural condition. To mitigate this loss the proposal is to reconstruct a new detached garage to match the original using salvaged material.

The Ontario Heritage Act requires Council to make decisions relating to the above applications and to issue the notices relating to these decisions within specific time limits. If decisions are not made within these time limits permission will have been deemed to be granted. The applicant has only waived the time limits for the application relating to the demolition of the garage. As the prescribed time limit relating to the application for the demolition of the stone wall has not been waived, a decision relating to this application has to be made at the July City Council meeting.

## RECOMMENDATIONS

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

1. City Council approve:
  - a. the demolition of the curved wall of the designated property at 35 Kingsway Crescent, in accordance with Section 34 (1) 1 of the Ontario Heritage Act, subject to the conditions as set out below.
  - b. the demolition of the detached garage at the designated property at 35 Kingsway Crescent, in accordance with Section 34 (1) 2 of the Ontario Heritage Act, subject to the conditions as set out below.
2. City Council direct that its retroactive consent to the application to demolition of the curved wall of the designated property at 35 Kingsway Crescent, under Part IV, Section 34 (1) 1 of the Ontario Heritage Act and its consent to demolish the detached garage at the designated property at 35 Kingsway Crescent, in accordance with Part IV, be subject to the following conditions:
  - a. that a curved wall be constructed as shown in the plans and drawings prepared by Gren Weis Architect and Associates, dated June 9, 2023 and on file with the Senior Manager, Heritage Planning to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.
  - b. that a detached garage be constructed as shown in the plans and drawings prepared by Gren Weis Architect and Associates., dated June 9, 2023 and on file with the Senior Manager, Heritage Planning to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.
  - c. Final building permit drawings for the new curved wall be consistent with the plans and drawings by Gren Weis Architect and Associates, dated June 9, 2023 to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.
  - d. Final building permit drawings for the new detached garage be consistent with the plans and drawings by Gren Weis Architect and Associates, dated June 9, 2023 to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

## 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 4, 2018, City Council adopted MM1.1 and stated its intention to designate the property at 35 Kingsway Crescent under Part IV, Section 29 of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.MM1.1>

## BACKGROUND

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### Site/Heritage Property

The property at 35 Kingsway Crescent, containing the building originally known as the Richard and Elsie Pearce House, was designed and constructed in 1929 by architect R. S. Hanks and built by Home Smith & Co. The house is an exceptionally fine example of an English Manor type following Arts and Crafts Movement principles with Tudor Revival style elements. It is located on the east side of Kingsway Crescent, in a line of grand estate houses that share a cohesive architectural character, scale and setting on the ridge overlooking the Humber River Valley in Kingsway Park.

The two-and-a-half storey building was designed on an elongated cruciform plan with a steeply pitched hipped roof intersected by a lower gabled roof, punctuated by two tall chimneys. In 1946, Matthew James and Dorothy Boylen purchased the property and, in 1947, in the same style of the original building, added the detached garage mentioned in this report. Two iron gates with stone gate posts provide access to the semi-circular drive which frames a deep lawn. Mature trees and shrubs also contribute to the picturesque setting of Kingsway Crescent.

The property at 35 Kingsway Crescent was designated under Section 29 of the Ontario Heritage Act as a Part IV property on January 31, 2019.

### Proposal

The proposal seeks to obtain retroactive permission under Section 34 (1) 1 to demolish a curved wall that was damaged during recent construction activity and then removed. To mitigate this loss the owner is proposing to reconstruct the wall to match the original using salvaged material.

The proposal also seeks approval under Section 34 (1) 2 for the demolition of the existing detached garage. The garage is the subject to an Order to Remedy an Unsafe Building by Toronto Building. The owners have submitted a letter from Blackwell Engineers that says that the garage was built on inadequate foundations and its existing condition would not allow for it to be braced/secured to allow the building to be underpinned or moved. The report concludes that "there is no practical, reasonable, or economical alternative to demolition of the existing block walls to re-support the structure on an adequate soil stratum." To mitigate this loss the owner proposes to reconstruct the detached garage using salvaged brick, stone and other materials to match the original details, size and proportions of the designated heritage attributes listed in the designation by-law.

## **Heritage Planning Framework**

### **City of Toronto Official Plan**

The Official Plan provides the policy framework for heritage conservation in the City. Relevant policies include the following:

3.1.6.4 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.

3.1.6.5 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, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

3.1.6.26 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.

3.1.6.27 Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

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

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

## **COMMENTS**

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Heritage Planning staff support the proposal to retroactively approve the demolition of the original curved wall, subject to a requirement that a new wall be constructed to match the original using salvaged material. The wall was part of the original house and is noted as a heritage attribute within the designation by-law.

The existing detached garage is in a poor state of repair and is structurally unstable. The Order to Remedy an Unsafe Building prohibits its use or occupancy. The Engineer's Report states that it cannot be repaired. Heritage Planning therefore support the proposal to demolish this garage subject to a requirement that a new garage be constructed to match the external appearance of the original using salvaged materials where possible and replicating original detailing where this is not possible.

## **CONCLUSION**

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Staff are of the opinion that both applications under Section 34 (1) 1 and Section 34 (1) 2 are consistent with the policies outlined in the Official Plan and The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada.

## **CONTACT**

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Urban Design, City Planning  
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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 - Location Map  
Attachment 2 - Existing Photos and Architectural Plans  
Attachment 3 - Proposed Architectural Plans

# LOCATION MAP

# ATTACHMENT 1

## 35 Kingsway Crescent



Map showing the subject property's location outlined in red at 35 Kingsway Crescent on the east side of Kingsway Crescent between Kingsgarden Road and Queen Anne Road. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping)



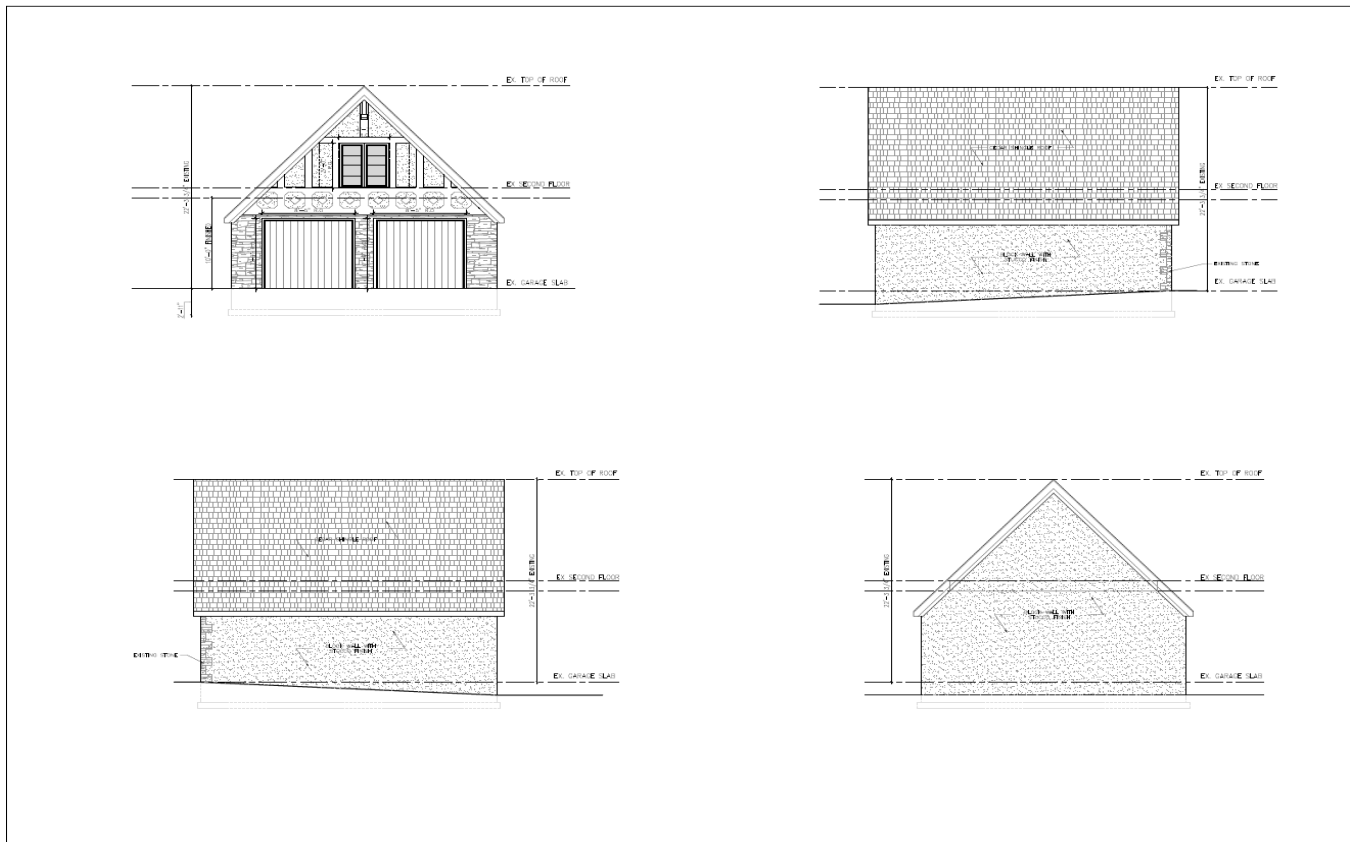
35 Kingsway Crescent



Detailed photo showing west elevation of existing detached garage and curved wall at 35 Kingsway Crescent (Heritage Planning, 2023)



Contextual photo showing the existing detached garage at 35 Kingsway Crescent ([www.birdhousemedia.ca](http://www.birdhousemedia.ca))



Elevations of existing detached garage at 35 Kingsway Crescent (Gren Weis Architect and Associates, 2023)

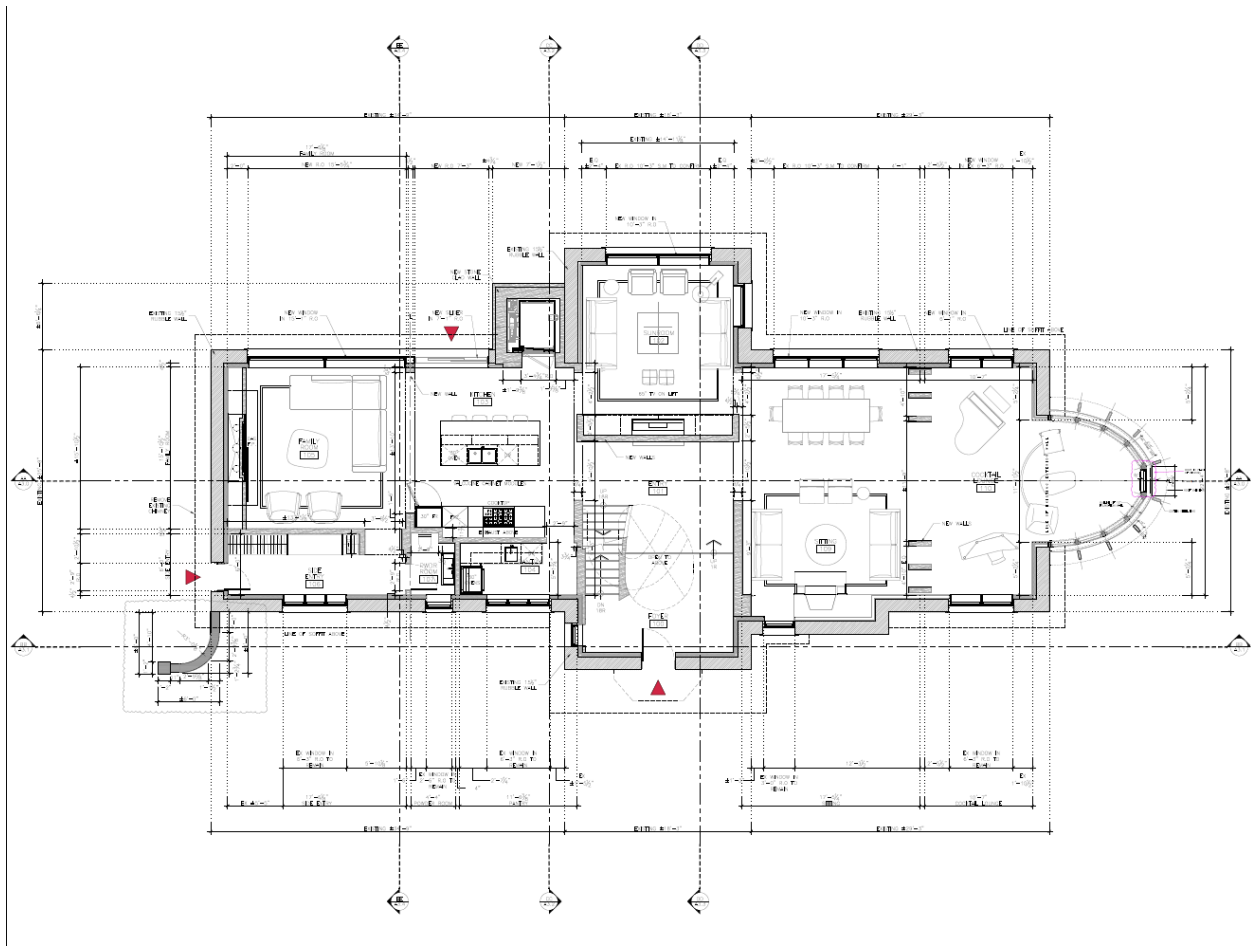


Photo showing west elevation of the existing curved wall at 35 Kingsway Crescent (Neil Park, Etobicoke History Society, 2018)





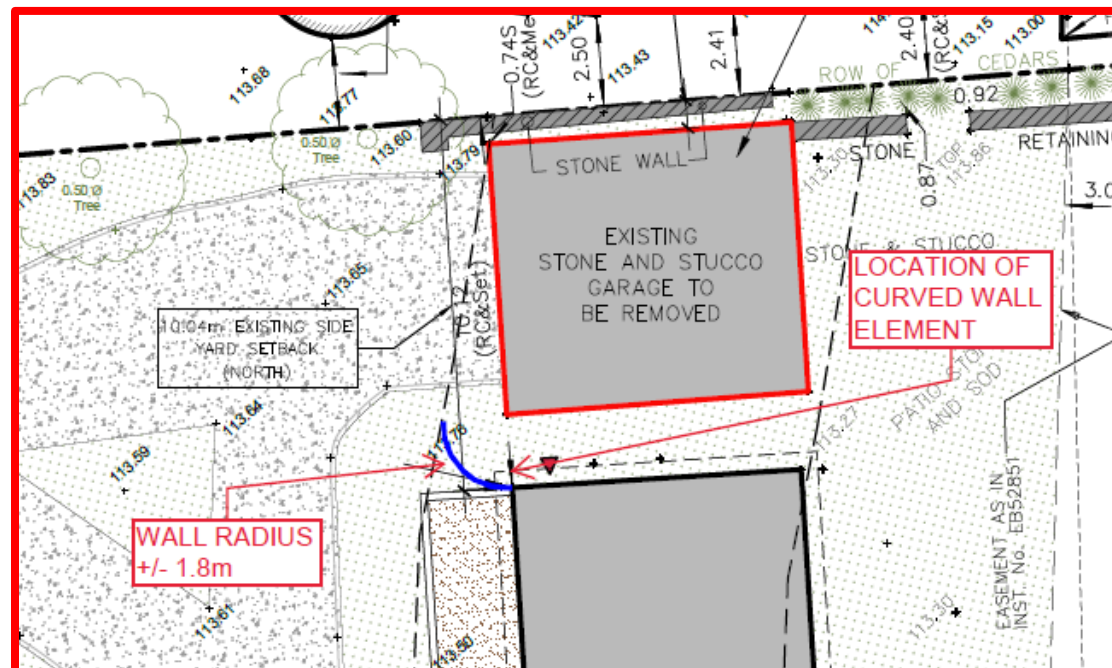
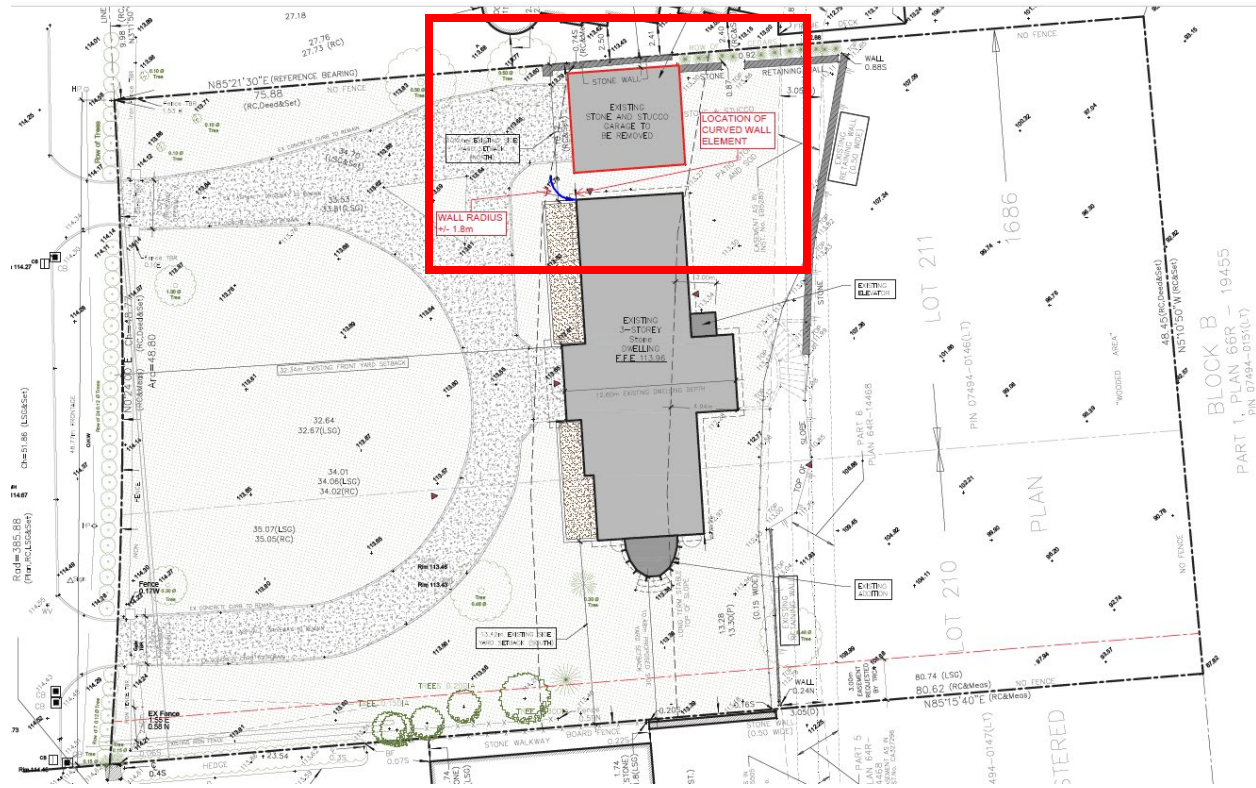
Photo of garage and curved wall at 35 Kingsway Crescent (HIA from GBCA Architects, November 26, 2021)



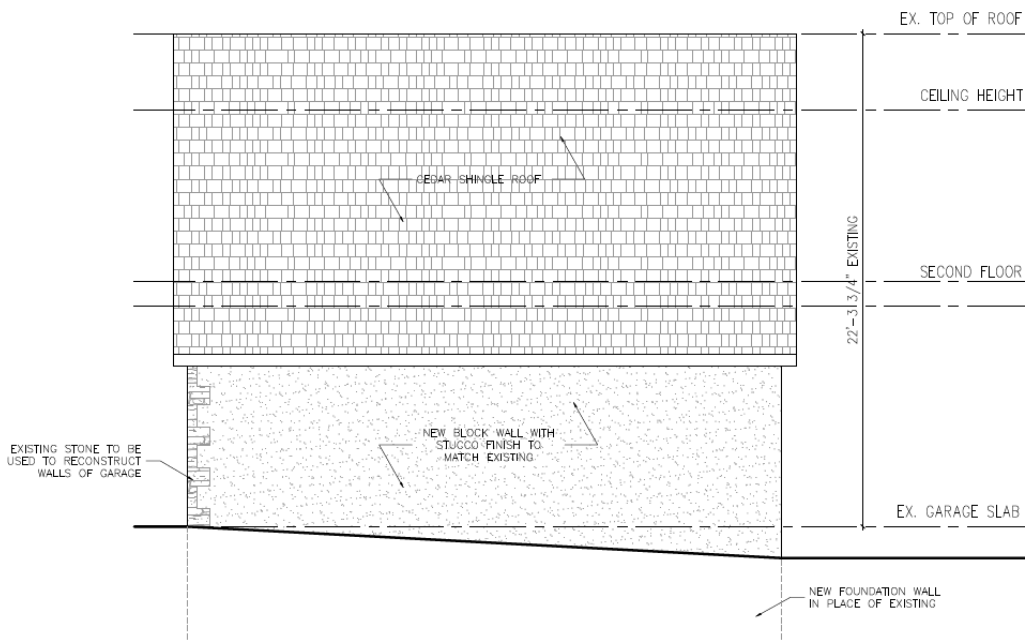
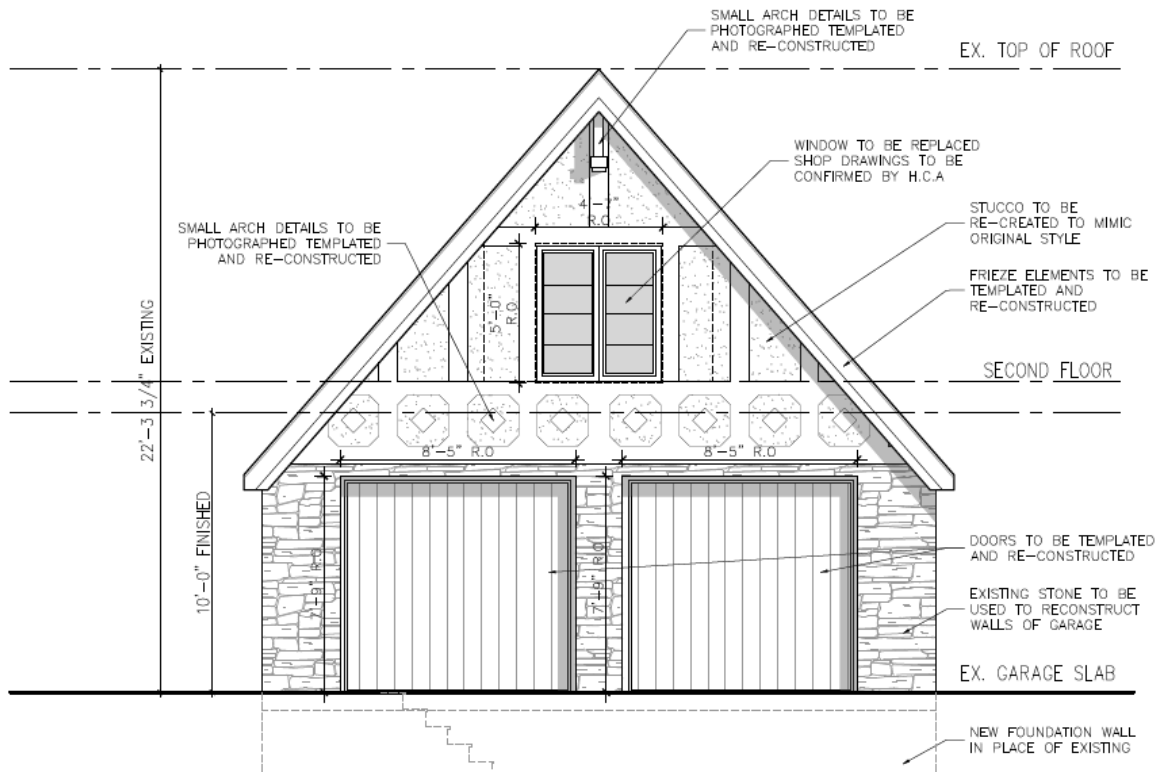
Ground floor plan showing existing location of curved wall at 35 Kingsway Crescent (Gren Weis Architect and Associates, 2023)

**PROPOSED ARCHITECTURAL PLANS**  
**35 Kingsway Crescent**

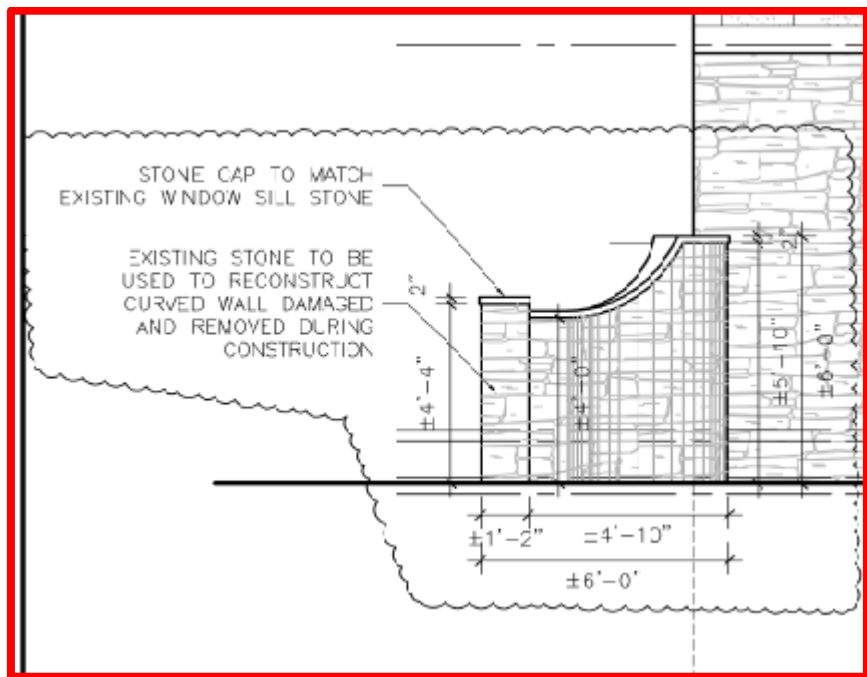
**ATTACHMENT 3**



Extracts from proposed Site Plan showing the location and orientation of the reconstructed garage and curved wall at 35 Kingsway Crescent (Gren Weis Architect and Associates, 2023)



Proposed front and side elevations showing the reconstructed garage at 35 Kingsway Crescent (Gren Weis Architect and Associates, 2023)



Extracts from proposed west elevation showing the reconstructed curved wall (Gren Weis Architect and Associates, 2023)