

94 Cortleigh Boulevard - Inclusion on the Heritage Register

Date: May 30, 2023

To: Toronto Preservation Board

North York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Eglinton-Lawrence - Ward 8

SUMMARY

This report recommends that City Council include 94 Cortleigh Boulevard on the City of Toronto's Heritage Register for its cultural heritage value and interest.

The subject property recommended for inclusion on the City's Heritage Register has been researched and evaluated by Staff using the criteria prescribed in Ontario Regulation 9/06 and the property meets one or more of the provincial criteria for determining cultural heritage value or interest.

The subject property includes a detached home completed in 1914 in the Arts and Crafts style with Tudor Revival influences. Its construction was overseen by builder Alfred D. Vidler for William M. Weekes.

On January 1, 2023, amendments to the Ontario Heritage Act (the Act) through the More Homes Built Faster Act, 2022 (Bill 23) came into effect. Under the Act as amended, a municipal heritage register may include properties that have not been designated but Council believes to be of "cultural heritage value or interest", and that meet one or more of the provincial criteria for determining whether they are of cultural heritage value or interest. The Act now also limits listing to a period of two years.

As of January 1, 2023, should a property be subject to an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application, properties must be listed on the heritage register prior to Part IV designation and before the occurrence of a prescribed event. A prescribed event is a point of time when the application for an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application has been deemed complete and the City Clerk provides notice of that complete application to the public in accordance with the Planning Act.

The listing of non-designated properties on the municipal heritage register under the Act also extends interim protection from demolition and provides an opportunity for City

Council to determine whether the property warrants conservation through designation under the Act should a development or demolition application be submitted.

Properties on the Heritage Register will be conserved and maintained in accordance with the Official Plan Heritage Policies. Heritage Impact Assessments (HIA) are required for development applications that affect listed properties.

RECOMMENDATIONS

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

1. City Council include the property located at 94 Cortleigh Boulevard on the City of Toronto's Heritage Register in accordance with the Listing Statement (Reasons for Inclusion) attached as Attachment 1 to the report, May 30, 2023, from the Senior Manager, Heritage Planning, Urban Design, City Planning.

FINANCIAL IMPACT

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

DECISION HISTORY

None.

BACKGROUND

Heritage Planning Framework

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place, economic prosperity, and healthy and equitable communities. Heritage conservation in Ontario is identified as a provincial interest under the Planning Act. Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth under the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Heritage Conservation is enabled through the Ontario Heritage Act (the Act). The City of Toronto's Official Plan implements the provincial policy regime, the Planning Act, the Act and provides policies to guide decision making within the city.

Good planning within the provincial and municipal policy framework has at its foundation an understanding and appreciation for places of historic significance and ensures the conservation of these resources are to be balanced with other provincial interests. Heritage resources may include buildings, structures, monuments, and geographic

areas that have cultural heritage value or interest to a community, including an Indigenous community.

The Planning Act establishes the foundation for land use planning in Ontario, describing how land can be controlled and by whom. Section 2 of the Planning Act identifies heritage conservation as a matter of provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, historical, archaeological or scientific interest. Heritage conservation contributes to other matters of provincial interest, including the promotion of built form that is well-designed, and that encourages a sense of place.

The Planning Act requires that all decisions affecting land use planning matters shall conform to the Growth Plan and shall be consistent with the Provincial Policy Statement, both of which position heritage as a key component in supporting key provincial principles and interests.

<https://www.ontario.ca/laws/statute/90p13>

The Provincial Policy Statement provides policy direction on land use planning in Ontario and is to be used by municipalities in the development of their official plans and to guide and inform decisions on planning matters, which shall be consistent with the Provincial Policy Statement. The Provincial Policy Statement articulates how and why heritage conservation is a component of good planning, explicitly requiring the conservation of cultural heritage and archaeological resources, alongside the pursuit of other provincial interests. The Provincial Policy Statement does so by linking heritage conservation to key policy directives, including building strong healthy communities, the wise use and management of resources, and protecting health and safety.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development states that long-term economic prosperity is supported by, among other considerations, the promotion of well-designed built form and cultural planning, and the conservation of features that help define character. Section 2.6 Cultural Heritage and Archaeology subsequently directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Through the definition of conserved, built heritage resources, cultural heritage landscape and protected heritage property, the Provincial Policy Statement identifies the Ontario Heritage Act as the primary legislation through which heritage conservation will be implemented.

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) builds on the Provincial Policy Statement to establish a land use planning framework that supports complete communities, a thriving economy, a clean and healthy environment and social equity. Section 1.2.1 Guiding Principles states that policies in the plan seek to, among other principles, "conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities". Cultural heritage resources are understood as being irreplaceable, and are significant features that provide people with a sense of place. Section 4.2.7 Cultural Heritage Resources directs that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

The Ontario Heritage Act is the key provincial legislation for the conservation of cultural heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through listing on the City's Heritage Register, designation of individual properties under Part IV of the Ontario Heritage Act, or designation of districts under Part V of the Ontario Heritage Act.

Section 27 of the Act gives municipalities the authority to maintain and add to a publicly accessible heritage register. The City of Toronto's Heritage Register includes individual heritage properties that have been designated under Part IV, Section 29, properties in a heritage conservation district designated under Part V, Section 41 of the Act as well as properties that have not been designated but City Council believes to be of "cultural heritage value or interest" and meets one or more of the provincial criteria for determining whether it is of cultural heritage value or interest.

Council must state its intention to designate a listed property within two years of listing it or the listed property will automatically be removed from the Register. Where there is a development application submitted on a property, Council can only state its intention to designate properties subject to a development application under Section 29 if they have already been listed on the Register before the prescribed event. Council has 90 days from the time the City Clerk gives notice of a complete planning application to designate a property.

<https://www.ontario.ca/laws/statute/90o18>

Ontario Regulation 9/06 sets out the criteria for evaluating properties to be designated under Part IV, Section 29 of the Act. The criteria are based on an evaluation of design/physical value, historical and associative value and contextual value. A property may be listed on the Register if it meets one or more of the nine provincial criteria for determining whether it is of cultural heritage value or interest. A property may be designated if it meets two or more of the nine criteria.

<https://www.ontario.ca/laws/regulation/060009>

The City of Toronto's Official Plan contains a number of policies related to properties on the City's Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating the integral role that heritage conservation plays in successful city-building, Section 3.1.6 of the Official Plan states that, "Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable City that can contribute to other social, cultural, economic and environmental goals of the City."

Policy 3.1.6.2 states that properties of potential cultural heritage value or interest "will be identified and evaluated to determine their cultural heritage value or interest consistent with provincial regulations, where applicable, and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value. The evaluation of cultural heritage value of a Heritage Conservation District may also consider social or community value and natural or

scientific value. The contributions of Toronto's diverse cultures will be considered in determining the cultural heritage value of properties on the Heritage Register."

Policy 3.1.6.3 states that heritage properties "will be protected by being designated under the Act, and/or included on the Heritage Register". This includes designation under Parts IV or V of the Act, as well as listing under Section 27 of the Act.

Policy 3.1.6.4 states that heritage resources on the City's 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 adopted by Council."

Policy 3.1.6.6 encourages the adaptive re-use of heritage properties while Policy 3.1.6.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts on it. Heritage Impact Assessments (HIA) are required for development applications that affect listed and designated properties. An HIA shall be considered when determining how a heritage property is to be conserved.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

Inclusion of (non-designated) properties on the City's Heritage Register

Non-designated listed properties do not have any protection under the Ontario Heritage Act, except insofar as an owner must give Council at least 60 days' notice of their intention to demolish or remove a structure on the property. Properties that are listed on the City's Heritage Register are flagged for review by Heritage Planning staff once a demolition permit has been submitted and owners must follow established Notice requirements under the Ontario Heritage Act following this action. Following further research and evaluation, staff may recommend designation of the property under Part IV of the Ontario Heritage Act and seek appropriate conservation.

Although inclusion on the Heritage Register as a listed property provides interim protection from demolition, it does not preclude an owner's ability to make exterior and interior alterations in the case when demolition or a development application is not involved. Listing does not trigger maintenance requirements over and above existing property standards and it does not restrict altering, removing or adding any features on the property. It does not allow the City to withhold a building permit for non-demolition related alterations and it does not preclude a property from undergoing renovation.

A municipality is not required to consult with property owners or the public before including non-designated properties on the municipal register under the Act. The City's current practice, developed prior to Bill 23 amendments to the Act coming into effect, notifies property owners and they are invited to attend the Toronto Preservation Board meeting to discuss the recommendation of a property's inclusion on the City's Heritage Register. There is also an opportunity for owners and the public to

share concerns (in person or writing) when Community Council or Planning and Housing Committee considers a heritage related matter at their meeting.

As of July 1, 2021, the amendments to the Ontario Heritage Act resulting from Bill 108, the Province's Housing Supply Action Plan (More Homes, More Choice Act) allow owners to object to the inclusion of a property on the City's Heritage Register following Council's decision and Bill 23 now allows the objection at any time. Objections to listing are reviewed by City Council and Council may remove or maintain the property on the register.

COMMENTS

Identifying properties of cultural heritage value or interest is an essential part of a municipality's role in heritage conservation. Including non-designated properties in the municipal register is a means to identify properties that the City believes to have cultural heritage value or interest.

The property at 94 Cortleigh Boulevard was nominated for evaluation and potential designation under Part IV of the Ontario Heritage Act on May 10, 2022 by the North York Community Preservation Panel, with support from the North Toronto Historical Society and Lytton Park Residents' Organization.

Heritage Planning was recently made aware of the potential sale of the property and staff prioritized this preliminary evaluation. Should Council list the property, and if a demolition permit is submitted in the future, the owner must follow established Notice requirements under the Ontario Heritage Act following this action. Heritage staff will then have 60 days to conduct additional research and evaluation and may recommend designation of the property under Part IV of the Ontario Heritage Act in order to seek conservation.

The research and evaluation conducted for 94 Cortleigh Boulevard has determined that the property has significant design/physical and contextual value. More detailed historical research conducted through a future evaluation for designation under Part IV of the Ontario Heritage Act may determine additional heritage values for this property.

On January 1, 2023, the Province's proposed amendments to the Ontario Heritage Act (the Act) through the More Homes Built Faster Act, 2022 (Bill 23) came into effect. Bill 23 makes listing a prerequisite to designation, should a property be subject to a development application. Listing extends interim protection from demolition and provides an opportunity for City Council to determine whether the property warrants conservation through designation under the Act should a development or demolition application be submitted.

Short descriptive listings are prepared using a method by which properties are identified and recommended for inclusion on the Heritage Register. This approach to listing provides sufficient information to meet the requirements of Section 27 of the Act to list a non-designated property on the Heritage Register and satisfies direction found within

the City's Official Plan to make use of provincial criteria when adding properties to the Register.

Brief statements, named "Reasons for Inclusion", are prepared for each recommended property explaining why the property is believed to have cultural heritage value and how it meets one or more of the provincial criteria under O. Reg 9/06 providing a preliminary evaluation of the cultural heritage value or interest of the property. The description may include features of the property that may warrant conservation should the property be subject to development and/or further evaluated and determined to merit designation under Part IV of the Act. Location map and photographs are included in each Reason for Inclusion.

If the property is recommended for designation under the Act, further evaluation will be undertaken in accordance with O. Reg 9/06 and the statement of cultural heritage value, including a description of the heritage attributes will be identified and prepared in compliance with the Act.

CONCLUSION

Following research and evaluation of the property at 94 Cortleigh Boulevard according to Ontario Regulation 9/06, it has been determined that the property meets one or more provincial criteria and merits inclusion on the City's Heritage Register. The Reasons for Inclusion are presented in Attachment 1.

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SIGNATURE

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ATTACHMENTS

Attachment 1 - 94 Cortleigh Boulevard - Listing Statement (Reasons for Inclusion)

Listing Statement (Reasons for Inclusion)

City Planning has undertaken research and evaluation for the property at 94 Cortleigh Boulevard and have determined that the property meets at least one or more of the criteria prescribed in Ontario Regulation 9/06 for including a non-designated property on a municipal register under Section 27 of the Ontario Heritage Act. The subject property may meet additional criteria which could be informed by community engagement and determined through further research and evaluation.

Listing Statement:

Description: Located on the north side of Cortleigh Boulevard, east of Avenue Road and north of Eglinton Avenue East in the Lytton Park neighbourhood, the property at 94 Cortleigh Boulevard comprises a detached house built in 1914 on an irregular, large lot.

The subject property has cultural heritage value as it meets the following criteria under Ontario Regulation 9/06 of the Ontario Heritage Act:

The subject property has significant design value as a representative example of an early twentieth-century Arts and Crafts style house with Tudor Revival influences as expressed by its asymmetrical massing, natural stone foundation and portico entrance, rustic brick masonry, and half-timbered gable. The property at 94 Cortleigh Boulevard also holds significant contextual value as one of the first homes built within the Alexandra Gardens subdivision (today Lytton Park), sited on one of the neighbourhoods largest lots, and can be considered a local landmark.



(Left) 94 Cortleigh Boulevard, Heritage Planning, 2023; (Right) Location of 94 Cortleigh Boulevard shown in red. Note: This location map is for information purposes only; the exact boundaries of the property are not shown. City of Toronto Mapping.