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Via Email

Amir Nissan (he/him)

Assistant Heritage Planner | Heritage Planning
City Planning Division - Urban Design, Heritage | Toronto City Hall
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Dear Mr. Nissan:

Re: 135 Roxborough Drive, Toronto, Ontario
Painting of House in the North Rosedale Conservation District

We are the solicitors for Tessa Virtue and Morgan Rielly, the owners of the property municipally known as 135 Roxborough Drive, Toronto, Ontario (the “**Property**”). Through their consultants, our clients applied for and obtained Building Permit Number: 23 110745 BLD 01 SR (the “**Permit**”) to carry out renovation works to the existing single family detached house located at the Property (the “**House**”), including the painting of the exterior cladding of the House. Given that the Property is in a heritage conservation district, the associated building permit application (the “**Application**”) also served as our clients’ application under sections 42 of the Ontario Heritage Act (the “**OHA**”) to alter the House. This is the process established by the City of Toronto (the “**City**”), as provided for on the City’s associated webpages.

Subsequent to the issuance of the Permit, the City took the position that the Permit only authorized the painting of the front elevation of the House. Without accepting the City’s position, our clients paused any works to carry out the painting of the House and applied for a revised building permit application (the “**Revised Application**”) that made it clear that painting the masonry exterior on all sides of the House is proposed. Ms. Fisher of your office indicated that City staff would be reviewing the Revised Application against the provisions of the North Rosedale Heritage Conservation District Plan (the “**HCD Plan**”). Ms. Fisher indicated that City staff do not have delegated authority over this matter and that it must be presented to the Toronto Preservation Board and to City Council for a decision. Ms. Fisher was alluding to permission for the masonry painting under section 42 of the OHA.

Proposed Work

As set out in the attached site plan and permit drawings, our clients propose to paint all of the masonry of the House the colour Vanilla Milkshake - 2141-70, Benjamin Moore. Importantly, our



clients will be using a limewash rather than a traditional oil-based or latex-based paint. The decision to paint and the decision to use limewash are linked.

Our clients decided to make their home in North Rosedale in large part because of the neighbourhood's beautiful homes, brimming with character and maintaining a certain old-world charm, and their love of heritage. The House had a wonderful Georgian aesthetic that our clients have maintained but in order to fit within the character of the neighbourhood and protect the House's existing heritage elements, the House required an exterior update. The existing brick of the House has deteriorated and there is significant discolouring. The brown brick, patchy in certain areas, is not in keeping with the "Rosedale red" or the other homes in the area that have been painted to elevate the visual appeal of the neighborhood. While in some cases the original finish of brick walls can be a character defining feature, that is not the case for the House which is in the North Rosedale area where this colour of brick is typical and for which there are many examples of painted masonry as noted further below.

Applying the limewash white paint to the House is intended to protect the existing brick from further deterioration, address the unsightly discoloration that has occurred, and elevate the House's curb appeal in a way that both highlights the House's storied history and adds value to the neighbourhood. As noted and confirmed in the attached letter from *re:placement design inc.*, Limewashing serves as a durable barrier against various elements, including UV radiation, rain, wind, and pollutants. It provides a protective layer that shields the brick from weathering and deterioration, ultimately extending its lifespan and reducing the necessity for frequent maintenance or repairs. Additionally, limewash possesses natural anti-fungal and anti-bacterial properties, inhibiting the growth of mould, mildew, algae, and lichens on the brick's surface. This resistance to biological growth not only sustains the appearance of the brick but also enhances its long-term durability by preventing organic matter from compromising the integrity of the masonry.

Limewashing the House is consistent with protecting and maintaining masonry by preventing water penetration, and maintaining proper drainage so that water or organic matter does not stand on flat surfaces, or accumulate in decorative features as recommended by the Standards & Guidelines for the Conservation of Historic Places in Canada. Limewashing is an appropriate surface treatment, a breathable coating, that is consistent with the recommendations of the Standards & Guidelines for the Conservation of Historic Places in Canada. The breathable properties of limewash are important as it allows moisture to escape from the brick while offering protection against environmental elements. This breathability prevents moisture buildup within the brickwork, thereby enhancing its long-term durability and structural integrity by preventing issues like efflorescence, spalling, or freeze-thaw damage. By maintaining optimal moisture levels within the bricks, limewashing contributes to the preservation of their structural integrity over time. In addition to the application of the limewash to protect the House, our clients are committed to having an appropriate maintenance program for the limewash to ensure that it continues to perform well and as designed. Our clients will seek out and follow professional guidance in this regard.



While the Standards and Guidelines for the Conservation of Historic Places in Canada, does not generally recommend applying paint or other coatings to masonry that has been historically unpainted or uncoated, that general recommendation must be taken in context of the other standards noted above, the general context of the Standards and Guidelines for the Conservation of Historic Places in Canada, the HCD Plan, the House, and the context of the House in North Rosedale. Coatings like limewash can serve an appropriate function in the preservation and maintenance of heritage structures, particularly when the unpainted or uncoated nature of brick is not a character defining element, as is the case with the House. The HCD Plan contemplates the painting and coating of brick masonry in North Rosedale and the state of the House requires some treatment.

The painting of masonry on homes in North Rosedale is not uncommon. As demonstrated in the attached study of painted homes within a few blocks of the Property (the “**Painted Homes Study**”), there are many examples of homes that have painted masonry, including but not limited to homes painted white and shades of white similar to that proposed by our clients. There are thirty (30) homes presented in the Painted Homes Study, nearly half of which are painted in a shade of white, and all of which are in close proximity to the Property.

Our clients have updated some of the interior structural capabilities of the House but have done their utmost to preserve the Georgian aesthetic and uphold the home’s characteristic quirks and original glamour. They are seeking to achieve similar results on the exterior through the limewashing. Not only will there be great maintenance benefits from the application, the limewash will facilitate the achievement of a consistent and uniform appearance across the brick surface, effectively addressing variations in colour, texture, and conditions resulting from mismatched bricks, repairs, and patches. This application conceals defects such as cracks, chips, and discoloration, resulting in a smoother and more consistent finish.

HCD Plan

As you know, the HCD Plan provides that alterations visible from the street require a separate heritage permit. Further, the HCD Plan provides that certain exterior painting is exempted from the requirement for a permit. While masonry painting of the front elevation of the House would be visible from the street and is contemplated as needing a permit, the Permit does authorize that painting and was validly issued under the Building Code Act, 1992 with consultation from Heritage Preservation Services staff. The Revision Application does not propose much additional painting that is generally visible from the street. There are some portions of the side elevation that could be visible from the street depending on the point of view but much of the proposed painting will not be visible from the street.

The provisions of the HCD Plan suggest that painting is at the low end of the spectrum of alterations that the HCD Plan is concerned with.



Requested Support and Approval

Our clients respectfully request the support of City staff and the approval of the Revised Application on the basis that the proposed painting of the masonry at the House is in keeping with the HCD Plan and would better preserve the integrity of the House, the Property, and the North Rosedale Heritage Conservation District. While the painting of the front of the House was already approved under the Permit, our clients support the City's desire to regularize that permission and extend it to the entirety of the proposed painting of the House.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Rodney Gill", with a stylized flourish at the end.

Rodney Gill

RJG/

Enclosed: Context Photographs; Painted Homes Study; Letter of re:placement design inc.; Plans

Goodmans^{LLP}













