

64 Woodlawn Avenue West - Withdrawal of Proposed Amendment to Designating By-law under Part IV, Section 30.1 of the Ontario Heritage Act

Date: July 15, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: Ward 12 – Toronto-St. Paul's

SUMMARY

This report recommends that City Council withdraw the proposed Amendment to Designating By-law under Part IV, Section 30.1 of the Ontario Heritage Act for 64 Woodlawn Avenue West and that the original Designation By-law 606-2018 and the Statement of Significance (Reasons for Designation) - 64 Woodlawn Avenue West remain unamended.

City Council proposed to amend the Reasons for Designation to remove references to Robert Stapleton Pitt Caldecott. The City received an objection by nineteen claimed descendants of Caldecott to the Proposed Amendment to Designation By-law 606-2018 within the statutory timeline. The Notice of Objection dated May 22, 2024, is included as Attachment 1 to this report.

The designated property at 64 Woodlawn Avenue West contains a 2½-storey detached house form building that is located on the north side of the street, west of Yonge Street, east of Avenue Road, and south of St Clair Avenue West. Constructed in 1906, the dwelling on the subject property was designed by the notable Toronto architect, Eden Smith, for Robert Stapleton Pitt Caldecott and his wife, Emma Arnold Caldecott, in a subdivision of the former "Woodlawn" estate.

On January 25, 2024, the City Clerk received a Notice of the Application to Repeal the Designating By-law 606-2018 for the property known municipally as 64 Woodlawn Avenue West under Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18 under Section 32 of the OHA from the property owner.

On April 17 and 18, 2024 City Council refused the application, by adopting item PH11.14- 64 Woodlawn Avenue West - Refusal of Repeal of Designating By-law under Section 32 of the Ontario Heritage Act and Proposed Amendment to Designating By-law under Part IV, Section 30.1 of the Ontario Heritage Act.

The property owner did not appeal Council's decision to refuse the application to repeal the designation by-law under section 32 of the Ontario Heritage Act within 30-days of the Notice of Decision of April 24, 2024.

Staff remained of the opinion that the property should continue to be designated under Part IV, Section 29 of the Ontario Heritage Act as the property meets 4 of the 9 of the Ontario Regulation 9/06 criteria that is prescribed for municipal designation. On April 24, 2024, the City Clerk issued the Notice of Proposed Amendment to Designation By-law 606-2018 to amend the legal description, to clarify the Reasons for Designation and to amend the Statement of Cultural Heritage Value pursuant to Section 30.1 of the Ontario Heritage Act. The Public Notice can be found at:

[Public Notice – City of Toronto](#)

Upon review of the new and relevant information, City staff have determined the original by-law accurately captures the cultural heritage value of the subject property and for its associative value with its original owner, Robert Stapleton Pitt Caldecott (1836-1907), who commissioned architect, Eden Smith, to design the house.

City Council has until August 22, 2024, 90-days from the end of the objection period, to make a decision on this objection as per the timeline under the Ontario Heritage Act.

RECOMMENDATIONS

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

1. City Council withdraw its intention to amend By-law 606-2018, which designated the property at 64 Woodlawn Avenue West under Part IV, Section 29 of the Ontario Heritage Act, pursuant to Section 30.1 of the Ontario Heritage Act.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

On March 26, 2018, City Council stated its intention to designate 64 Woodlawn Avenue West under Part IV, Section 29 of the Ontario Heritage Act. City Council's decision, including the City's staff report with research and evaluation, may be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2018.MM38.28>

On May 24, 2018, as no objection to the designation was served on the Clerk within the 30-day objection period, By-law 606-2018 was enacted designating the property at 64 Woodlawn Avenue West under Part IV of the Ontario Heritage Act. The designating By-Law is available at:

<https://www.toronto.ca/legdocs/bylaws/2018/law0606.pdf>

On August 14, 2018, an application to demolish the designated building at 64 Woodlawn Avenue West was received. A notice of receipt was issued on August 20, 2018, and the owner was informed that under delegated authority, the Chief Planner and Executive Director was required to refuse the demolition application. The owner was provided an opportunity to withdraw their demolition application to avoid a non-discretionary refusal, however, did not do so. On November 2, 2018, the Chief Planner refused the demolition application under the authority delegated from City Council through By-law 1062-2013. This report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.TE3.17>

On April 17 and 18, 2024 City Council adopted item PH11.14- 64 Woodlawn Avenue West - Refusal of Repeal of Designating By-law under Section 32 of the Ontario Heritage Act and Proposed Amendment to Designating By-law under Part IV, Section 30.1 of the Ontario Heritage Act. This report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH11.14>

BACKGROUND

On May 22, 2024, the City Clerk Received a Notice of Objection to the Proposed Amendment to Designation By-law 606-2018, which was served on the Clerk within 30-days of April 24, 2024.

City Council has until August 22, 2024, 90-days from the end of the objection period, to make a decision on this objection as per the timeline under the Ontario Heritage Act.

COMMENTS

On January 25, 2024, the City Clerk received a Notice of the Application to Repeal a Designating By-law at 64 Woodlawn Avenue West under Section 32 of the OHA from the property owner. The applicant was of the opinion that the property at 64 Woodlawn Avenue West does not merit designation under Part IV, Section 29 of the OHA. The applicant also took issue with the Statement of Significance (Reasons for Designation) and the historical/associative value being partly attributed to its original property owner and Toronto Businessman, Robert Stapleton Pitt Caldecott (1836-1907). They alleged Caldecott to have held restrictive views on immigration, education, and ethnic groups according to Dr Michael Akladios, Lecturer in Diaspora and Migration Studies at the University of Toronto, who submitted a letter in support of the application to Repeal a Designating By-law.

Staff remained of the opinion that the property should continue to be designated under Part IV, Section 29 of the Ontario Heritage Act as the property meets 4 of the 9 of the Ontario Regulation 9/06 criteria that is prescribed for municipal designation. Council adopted the Proposed Amendment to By-law 606-2018 appended to the report (March 15, 2024) from the Interim Chief Planner and Executive Director, City Planning recommending that the property name “Caldecott House” be removed from the designation by-law and that the third paragraph under the Statement of Significance (Reasons for Designation) in By-law 606-2018 outlining the associative/historical value of the property as partly attributed to its association with Caldecott be deleted in its entirety.

On May 22, 2024, the City Clerk Received a Notice of Objection to the Proposed Amendment to By-law 606-2018. Submitted as part of the objection is a statement from nineteen claimed descendants of the Robert Stapleton Pitt Caldecott family, where they outline the ways in which they took issue with the proposed by-law amendment and request that the name of the property and association with Caldecott be kept as it appears in By-law 606-2018. According to the letter, many of the family members have been studying the life of Caldecott for over 15 years. The letter is extensively researched and includes a detailed citation list. The Caldecott family members contend that Caldecott did not hold restrictive views on immigration, nor were his views on immigration racially driven. Rather, they insist that his interests in immigration were tied to the topics of wealth, trade, and natural resource development.

City staff met with the Objector, a self-appointed representative of the Caldecott family, who raised concerns following Council's meeting on April 17 and 18, 2024 to listen to their concerns about the proposed amendments.

Upon receiving the Notice of Objection to the Proposed Amendment to By-law 606-2018, City staff met with Dr. Akladios to seek clarification of his statement that he had prepared for his client, the property owner, regarding Robert Stapleton Pitt Caldecott, and to share the new information provided in the Notice of Objection which refutes his claims.

Following a review of the Notice of Objection and consultation with the above noted interested parties, the new information is relevant as it augments the historical record of Robert Stapleton Pitt Caldecott and deepens an understanding of a prominent figure in Toronto associated with the property. As such, the property has historical value because of its direct association with Caldecott, a person that is significant to a community. While one can acknowledge that differing perspectives to those held by Caldecott existed in the late-nineteenth and early-twentieth centuries, the naming of the house and associative value expressed in By-law 606-2018 reflect the public history of a prominent Toronto person of the time, and the removal of the Caldecott name would be an incomplete evaluation of the cultural heritage value or interest of the designated property.

CONCLUSION

Staff have reviewed the new and relevant information submitted as part of the objection and are recommending that City Council withdraw the Proposed Amendment to Designating By-law under Part IV, Section 30.1 of the Ontario Heritage Act for 64 Woodlawn Avenue West and that Designation By-law 606-2018 remain unamended as originally enacted by Council.

CONTACT

Loryssa Calogero, MA, CAHP, D.Phil. Candidate (Oxford), Heritage Planner, Heritage Planning, Urban Design, City Planning
416-392-7238; Fax: 416-392-1973; E-mail: Loryssa.calogero@toronto.ca

Anne Fisher, Acting Senior Manager, Heritage Planning, Urban Design, City Planning
416-338-3278; Fax: 416-392-1973; E-mail: Anne.Fisher@toronto.ca

SIGNATURE

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Interim Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection - 64 Woodlawn Avenue West