

From: [Alexandra Jenkins](#)
Subject: [External Sender] RE: COUNCIL AGENDA ITEM TE14.16 - Request for Toronto City Council to Vote "No" for 135 Roxborough Drive (Alterations to a Designated Heritage Property in North Rosedale HCD)
Date: June 24, 2024 10:22:30 AM
Attachments: [1-Heritage Recommendation-135 Roxborough Dr.-245392.pdf](#)
[2-TO Preservation Board Decision Against 135 Roxborough Dr.-245879.pdf](#)
[Heritage Images-135 Roxborough Dr..pdf](#)

Dear Councillor,

North Rosedale has been a Heritage Conservation District (HCD) for 20 years. We are writing on behalf of the North Rosedale Heritage Committee. Our Committee is advisory in nature, working with both Heritage Preservation Services and North Rosedale residents to facilitate compliance with North Rosedale's Heritage Plan.

For the past several months, our Committee has been working with the HPS and the owners of 135 Roxborough Drive on their request for a Heritage Permit to paint the red brick on their heritage designated home with a white lime wash.

We wish to register our strong opposition to this Application.

Many people buy homes in North Rosedale because of the Heritage Plan—they love the heritage look and feel of the neighbourhood and want it protected. They want the heritage characteristics of the homes and the consistency of the streetscapes preserved for everyone to enjoy.

Many people come from other neighbourhoods which now suffer from over-development, looking for the protection our Heritage Plan provides from individual preferences, (whether in terms of brick colour, setbacks, architectural style, roof height or lot coverage) those presences are inconsistent with the heritage look and feel of the neighbourhood.

North Rosedale's Heritage Plan does not permit red brick houses to be painted white. Red brick and stone masonry are architectural elements that define the heritage character of North Rosedale. Whitewashing a red brick home with either ordinary paint or lime wash undermines the heritage character of the home, the neighbouring homes and negatively impacts the heritage character of the streetscape, contrary to our Heritage Plan.

We have attached photographs of the visual impact of white lime wash on red brick at 135 Roxborough Drive. The Owner started painting the west wall of the house before the City issued a stop work order. You can't miss the house on the street because it doesn't fit in with the red brick and stone homes that surround it.

Our Heritage Plan isn't about standing out or creating a new design trend. It's about fitting in to the existing heritage streetscape and enhancing it.

Toronto Heritage Planning and the Heritage Preservation Board have both recommended that the application to paint 135 Roxborough Drive white be refused because it does not comply with our Heritage Plan, or the Standards and Guidelines for the Historic Places in Canada or the Official Plan. We have attached their reports for your reference.

Our Councillor, Diane Saxe supports the refusal of the Application.

At the East York and Community Council meeting, **Councillor Brad Bradford** overrode the views of our Councillor by proposing his own motion to bring this matter to Council "without recommendations". The Lobbyist Registry shows that Mr Remtulla placed a call to Bradford on June 11, 2024, the same day the Community Council meeting was held. Mr Remtulla is acing for the owners of 135 Roxborough Drive.

Bradford's motion was supported by **Councillors Matlow, Moise and Perks**, despite the fact that those Councillors have Heritage Conservation Districts within their Ward, with Heritage Plans that also prohibit the painting of brick masonry. Their Wards include the following HCD's:

- **Moise:** Cabbagetown, Garden District, St Lawrence Neighbourhood, Yorkville-Hazelton.
- **Matlow:** Wychwood Park.
- **Perks:** Parkdale Main Street.

This is unacceptable.

Residents who invested in a Heritage Conversation District have a legitimate expectation that the City and its Councillors will support their Heritage Plan. After all, Heritage Plans are adopted by

City By-law. The City has a duty to protect its residents by enforcing its by-laws. It's a duty that residents of this City rely on.

We are troubled by the prospect that our City Councillors may think it appropriate to override the recommendations of the City's own heritage staff, the Heritage Preservation Board and the views of the Councillor responsible for the Ward in question and ignore the very residents of that Ward who are directly and negatively impacted by Council's decision on the application — and all for the individual taste preferences of one property owner?

We urge you to vote to refuse the Application. Any other result makes a complete mockery of heritage protection and preservation in Toronto.

Sincerely,

Alex Jenkins | Melanie Shishler | Faryl Hausman

North Rosedale Heritage Committee

cc:

John Elvidge, City of Toronto, Chief Clerk

Kerri Voumvakis, City of Toronto, Chief Planner

135 Roxborough Drive - Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District

Date: April 18, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

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

Wards: University - Rosedale - Ward 11

SUMMARY

This report recommends that City Council refuse the alterations to the designated heritage property at 135 Roxborough Drive under Section 42 of the Ontario Heritage Act.

This is a C-rated property located in the North Rosedale Heritage Conservation District (HCD). The applicant is requesting approval for the painting of the masonry on the east and west facades of the two-storey house. These alterations do not comply with the policies in the North Rosedale HCD Plan or the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (the official document guiding planning and conservation of heritage properties in the City of Toronto). As such staff are recommending that this application is refused.

RECOMMENDATIONS

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

1. City Council refuse the alterations to the designated heritage property at 135 Roxborough Drive, in accordance with Section 42 of the Ontario Heritage Act, for alterations including the painting of the masonry on the sides of the two-storey house as outlined in the letter by Goodmans LLP dated February 23, 2024.
2. If the owner appeals City Council's decision to refuse the application to alter the heritage property at 135 Roxborough Drive under Section 42 of the Ontario Heritage Act, City Council direct the City Solicitor and the appropriate City staff to attend the Ontario Land Tribunal hearing to oppose the appeal.

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

Council adopted the North Rosedale Heritage Conservation District (NRHCD) on May 3, 2004 (By-law 749-2004) and was enacted by September 30, 2004:

https://www.toronto.ca/wp-content/uploads/2018/01/9536-CityPlanning_North-Rosedale-HCD.pdf

There have been no previous reports to Council regarding the property at 135 Roxborough Drive.

BACKGROUND

The property at 135 Roxborough Drive is located within the North Rosedale Heritage Conservation District (NRHCD). It is situated on the south side of Roxborough Drive near to Whitney Park.

135 Roxborough Drive is a Georgian revival style house that was built in 1912. It is classified as a C-rated property in the NRHCD Plan, which means it is of contextual significance and contributes to the heritage character of the HCD. It is situated within Zone 1 of the NRHCD, otherwise known as the Ravine Lands. This area is bounded by ravines and includes sloping land and dense vegetation. It includes a variety of buildings with "(revived) English vernacular" as well as "English classical and colonial models (often referred to as Georgian)" and some Arts and Crafts style houses. The HCD Plan notes that this zone's character has "qualities of heaviness and stolid permanence" through the use of thick red brick and stone masonry with red brick predominating.

Permission is required under Section 42 (1) 1 of the Ontario Heritage Act to alter any part of a property, other than the interior of any structure or building on the property, within a heritage conservation district. The NRHCD Plan states that permission is required "for alterations visible from the street including matters such as: Masonry cleaning or painting".

The property owners wish to use a limewash white paint on the masonry along both sides of the two-storey house to "address the unsightly discoloration" "variations in colour, texture, and conditions resulting from mismatched bricks, repairs, and patches" and to "elevate the House's curb appeal..." Their application notes that:

""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.... 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..... This application conceals defects such as cracks, chips, and discoloration, resulting in a smoother and more consistent finish.""

Application History

On May 15, 2023 a Building Permit was issued for the property at 135 Roxborough Drive for alterations including the construction of a single storey rear addition and a detached garage in the rear yard. Most of the works shown on the building permit plans did not require approval under the Ontario Heritage Act. The plans did include a new front entrance door for which Heritage Planning granted approval under their delegated authority in accordance with Chapter 103 of the Toronto Municipal Code as the works complied with the provisions of the North Rosedale Heritage Conservation District Plan.

On September 7, 2023 a revised building permit was issued. The revised drawings showed new windows and the proposed front elevation included a note saying the brick was to be painted. The painting of the masonry was only noted on the front elevation and Heritage Planning staff were not aware of this note when they cleared the Building Permit. The Building Permit drawings did not include any references to the painting of masonry on the side elevations.

Following a site visit Heritage Planning staff noticed that the painting of the west façade of the house at 135 Roxborough Drive had commenced. The owners were advised to cease this work and seek the required approvals under Section 42 of the Ontario Heritage Act.

Heritage Policy Framework

Official Plan

The City of Toronto Official Plan provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to heritage conservation districts and properties on the Heritage Register:

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 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.

3.1.65.33. Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

Standards and Guidelines for the 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. The Standards include the following:

- Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element. (Standard 1)
- Conserve heritage value by adopting an approach calling for minimal intervention. (Standard 3)
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention. (Standard 7)
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference. (Standard 9)
- Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future. (Standard 12)

Section 4.5.3 includes the guidelines for masonry. This states:

" The aesthetic characteristics of the masonry, such as the finish dressing, texture and colour of the stone, brick or mortar, the coursing pattern, and the joint width and profile...., all contribute to its heritage value and require careful consideration."

The guidelines recommend applying "appropriate surface treatments, such as breathable coatings, to masonry elements as a last resort, only if masonry repairs, alternative design solutions or flashings have failed to stop water penetration, and if a maintenance program is established for the coating." (4.5.3.4)

The guidelines do not recommend the following:

- "Applying paint, coatings or stucco to masonry that has been historically unpainted or uncoated. (4.5.3.10)
- Carrying out a repair that does not treat or address the cause of the problem. (4.5.1.5)

North Rosedale Heritage Conservation District

Section 6.3 of the NRHCD Plan says, "When a Heritage Permit application does not, in the view of City staff, comply with the district design guidelines.... City Council will decide on the application. In making its decision, Council will be provided with the advice of the City's Heritage Preservation Services Section".

Section 7.2 of the NRHCD Plan contains the following guidelines which are applicable to this application:

1. Alterations and additions to heritage buildings should maintain or enhance rather than detract from the existing architectural style and character of the building and those surrounding it. To this end:

Using heritage buildings in the District and the building concerned as a guide, alterations and additions should be consistent with their size, scale, proportion and level of detail.

No alteration or addition should visually overwhelm the building in question or neighbouring buildings. Additions should preferably be at the rear of the building.

COMMENTS

The house at 135 Roxborough Drive is an Edwardian era Georgian-Revival style house that was constructed in 1912 and clad with red brick. One of its most important attributes is its red brick masonry and its historical character and appearance is that of a building with unpainted masonry. Painting this masonry would neither maintain or enhance its architectural style or character. Nor would this comply with good conservation practice.

A minimal intervention approach that reflects good conservation practice would involve masonry repairs, repointing and brick cleaning. This would provide a more uniform appearance to the masonry while maintaining and enhancing the architectural style and character of the house. There is no evidence that such an approach has been sought in this instance and the application states that the intention is to apply the paint for cosmetic reasons. As noted above, the Standards and Guidelines for the Conservation of Historic Properties in Canada only recommend the application of breathable coatings to masonry "as a last resort" and "only if masonry repairs, alternative design solutions or flashings have failed to stop water penetration, and if a maintenance program is established for the coating." Any purported defects in masonry should be repaired and not concealed by applying paint.

The house at 135 Roxborough Drive is within the Ravine Lands zone in the North Rosedale HCD Plan. The HCD Plan notes that the abundance of red brick and stone in the houses in the Ravine Lands and gives the area a quality of "heaviness and stolid

permanence". This character would be undermined by the introduction of white paint to the exterior of the subject property. The applicant has submitted a list of properties within North Rosedale that have painted masonry and state that this is "not uncommon" in North Rosedale. Heritage Planning have reviewed the list of properties and note they all appear to have been painted prior to the designation of the North Rosedale HCD Plan. Many of them are also "unrated" properties within the HCD, which means they do not contribute to the heritage character of the HCD and alterations to them are not required to maintain or enhance their architectural style and character.

Heritage Planning staff are therefore of the opinion that the alterations to the designated heritage property at 135 Roxborough do not comply with the policies and guidelines in the NRHCD Plan, the Standards and Guidelines for the conservation of Historic Places in Canada and the Official Plan. As such it is recommended that permission under Section 42 of the Ontario Heritage Act is refused.

CONTACT

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SIGNATURE

Anne Fisher, MCIP, RPP, MRTPI, CAHP
Acting Senior Program Manager, Heritage Planning
Urban Design, City Planning

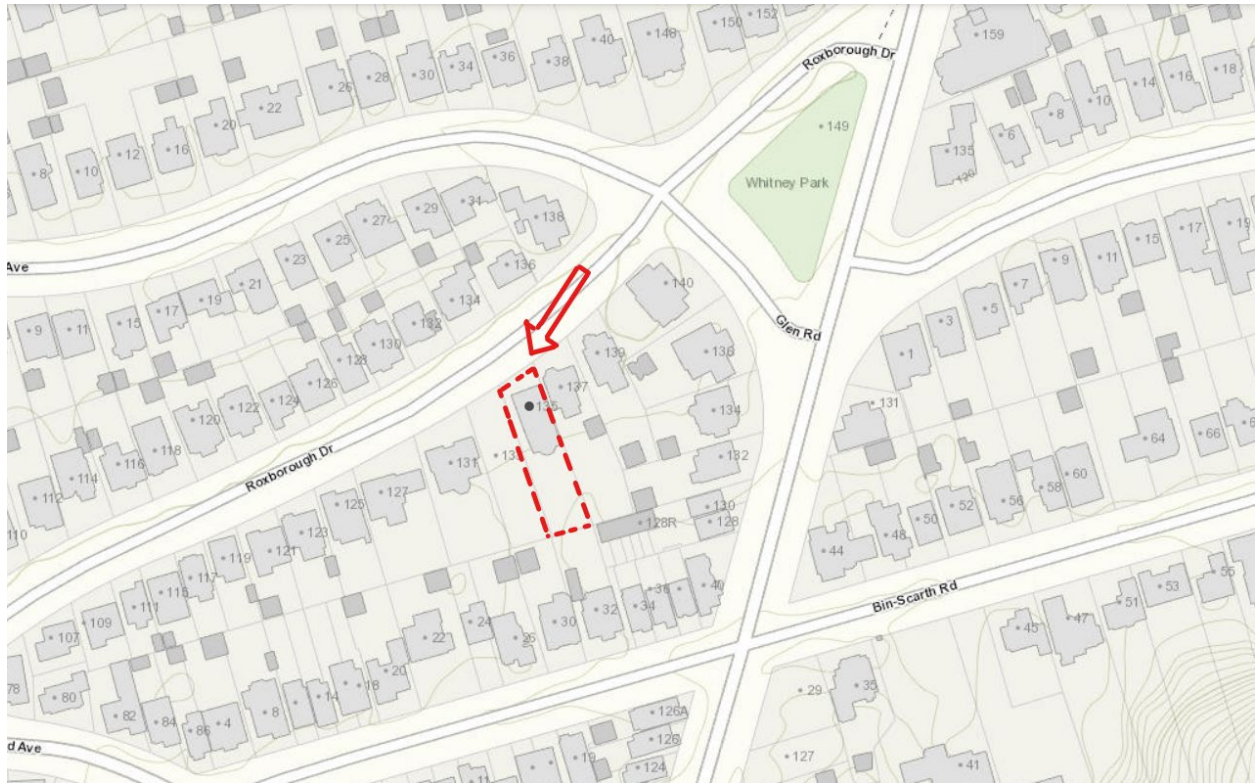
ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs

LOCATION MAP

ATTACHMENT 1

135 Roxborough Drive



Map showing the subject property's location outlined in red at 135 Roxborough Drive on the south side of Roxborough Drive between Glen Road and Highland Avenue. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

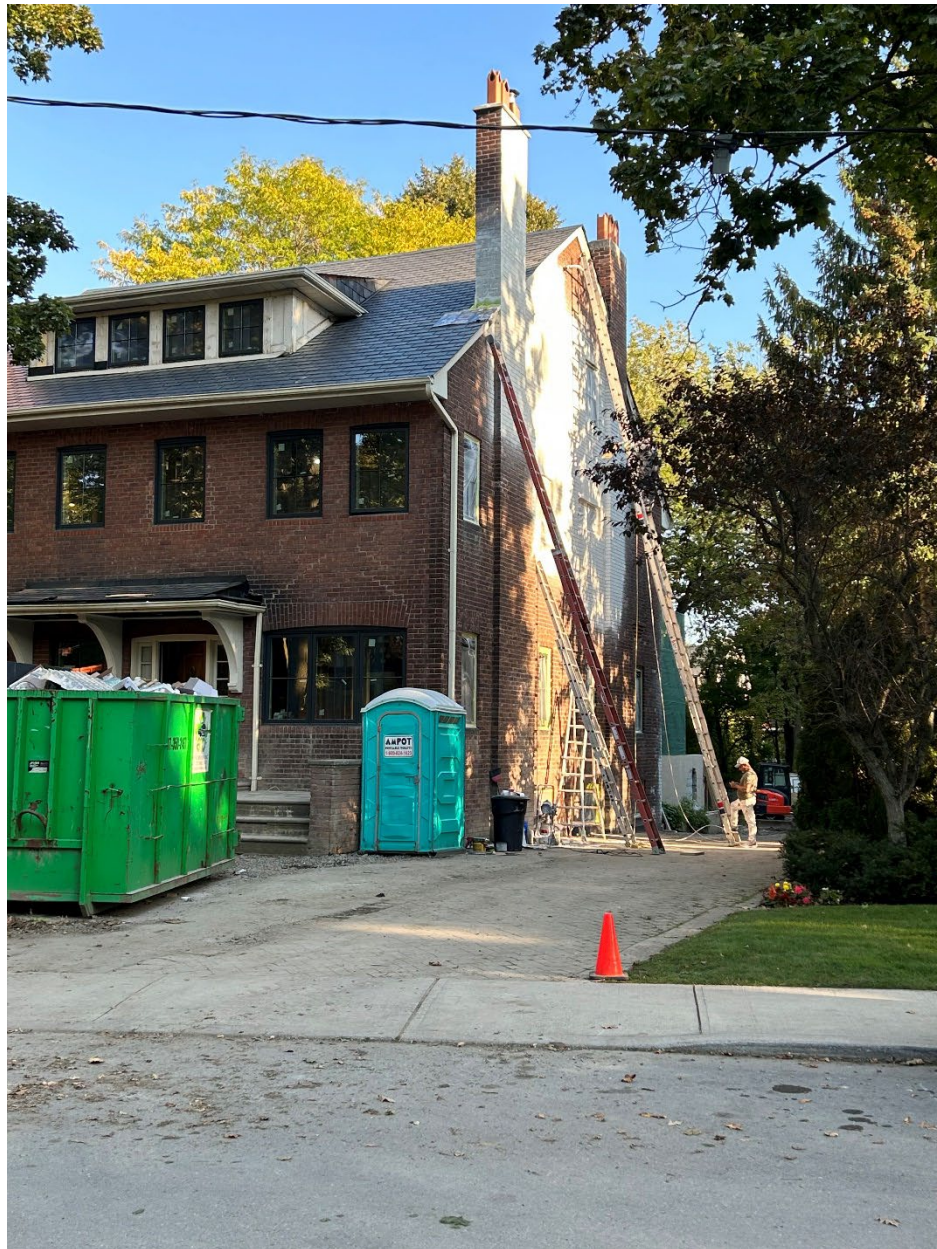
PHOTOGRAPHS

ATTACHMENT 2

135 Roxborough Drive



Contextual photo of the northwest elevation of the existing building at 135 Roxborough Drive prior to the unauthorized alterations (Google Maps, 2020).



Contextual photo of the northwest elevation of the existing building at 135 Roxborough Drive showing the extent of unauthorized painting done to the side of the dwelling (2023).



Contextual photo of the northwest elevation of the existing building at 135 Roxborough Drive showing the extent of unauthorized painting done to the side of the dwelling (2024).



Decision Letter

Toronto Preservation Board

Meeting No. 18

Meeting Date Tuesday, May 7, 2024

Start Time 9:30 AM

Location Video Conference

Contact Matthew Green, Committee Administrator

Phone 416-392-4666

E-mail hertpb@toronto.ca

Chair Julia Rady

PB18.3	ACTION	Adopted		Ward: 11
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135 Roxborough Drive - Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District

Board Decision

The Toronto Preservation Board recommends that:

1. City Council refuse the alterations to the designated heritage property at 135 Roxborough Drive, in accordance with Section 42 of the Ontario Heritage Act, for alterations including the painting of the masonry on the sides of the two-storey house as outlined in the letter by Goodmans LLP dated February 23, 2024.
2. If the owner appeals City Council's decision to refuse the application to alter the heritage property at 135 Roxborough Drive under Section 42 of the Ontario Heritage Act, City Council direct the City Solicitor and the appropriate City staff to attend the Ontario Land Tribunal hearing to oppose the appeal.

Decision Advice and Other Information

Amir Nissan, Planner, Urban Design, Heritage Planning, City Planning gave a presentation on 135 Roxborough Drive - Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District.

Origin

(April 18, 2024) Report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on May 7, 2024 the Toronto Preservation Board considered Item [PB18.3](#) and made recommendations to City Council.

Summary from the report (April 18, 2024) from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council refuse the alterations to the designated heritage property at 135 Roxborough Drive under Section 42 of the Ontario Heritage Act.

The is a C-rated property located in the North Rosedale Heritage Conservation District (HCD). The applicant is requesting approval for the painting of the masonry on the east and west facades of the two-storey house. These alterations do not comply with the policies in the North Rosedale Heritage Conservation District Plan or the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (the official document guiding planning and conservation of heritage properties in the City of Toronto). As such staff are recommending that this application is refused.

Background Information

(April 18, 2024) Report and Attachment 1 - 2 from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning on 135 Roxborough Drive - Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-245161.pdf>)

Staff Presentation on 135 Roxborough Drive - Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-245485.pdf>)

Communications

(May 6, 2024) E-mail from Alexandra Jenkins (PB.Supp)

Speakers

Rodney Gill, Goodmans LLP

Tessa Virtue

Motions

Motion to Adopt Item moved by Julia Rady (Carried)



PB18.3

Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District – 135 Roxborough Drive - Refusal

PB18.3 135 Roxborough Drive



This location map is for information purposes only; the exact boundaries of the property are not shown. The arrow marks the location of the site (Source – iView2 Toronto)

PB18.3 135 Roxborough Drive

Pre-Existing Conditions



Photograph of
the northwest
elevation of the
existing building
at 135
Roxborough
Drive (Google
Maps, 2020)



Photograph of the northwest elevation of the existing building at 135
Roxborough Drive (2024)

PB18.3 135 Roxborough Drive

Existing Condition



Photograph of the North elevation of the existing building at 135 Roxborough Drive (2024)