

## **Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District - 137 Roxborough Drive - Refusal**

**Date:** February 27, 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**

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This report recommends that City Council refuse the alterations to the designated heritage property at 137 Roxborough under Section 42 of the Ontario Heritage Act.

The subject site is a "C-rated" property located in the North Rosedale Heritage Conservation District (HCD). The applicant is requesting retro-active approval of alterations to the property that have already occurred. The alterations include the staining of the stone on the two-storey bay window on the front of the house, the installation of new windows that do not match the originals, the enlargement of a ground floor front window opening and alterations to the bay window in the front porch. 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 be refused.

The owners have also requested permission under Section 42 of the Ontario Heritage Act to explore the potential of steam cleaning the stone on the front of this designated building. Full details of the proposed steam cleaning have not been submitted to assess the impact on this heritage building and as such it is recommended that permission is refused for this.

If City Council refuses to grant approval for the alterations noted above Heritage Planning staff will work with the owners to find solutions to restore the historic character and appearance of the designated property at 137 Roxborough Drive in accordance with the requirements of the Ontario Heritage Act, the Official Plan and the North Rosedale HCD Plan.

## **RECOMMENDATIONS**

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

1. City Council refuse the alterations to the designated heritage property at 137 Roxborough Drive, in accordance with Section 42 of the Ontario Heritage Act, for alterations including the staining of the stone on the two-storey bay window, steam cleaning stonework, new windows and new window openings as outlined in the Applicants' Submission Report by Patrick Gajos on February 1, 2024.
2. If the owner appeals City Council's decision to refuse the issuance of an alteration permit under Section 42 of the Ontario Heritage Act for the heritage property at 137 Roxborough Drive, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Land Tribunal hearing in opposition to the appeal.

## **FINANCIAL IMPACT**

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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.

## **DECISION HISTORY**

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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](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 137 Roxborough Drive.

## **BACKGROUND**

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The property at 137 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.

137 Roxborough Drive is an Edwardian-era building that includes Arts and Crafts and Tudor Revival detailing. 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 to its southwest and east and includes sloping land and dense vegetation. It includes a variety of Victorian and Edwardian buildings that have a character of "stolid permanence" through the use of thick red brick and stone masonry.

The HCD Plan notes that this heaviness is balanced with the use of lighter wood especially with half timbering in gables.

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, and replacement of existing architectural features, such as windows."

The alterations include the staining of the stone on the two-storey bay window on the front of the house, the installation of new windows that do not match the originals, the enlargement of a ground floor front window opening and alteration to the bay window in the front porch.

## **Application History**

In September 2017 permission was granted under Section 42 of the Ontario Heritage Act for the installation of new windows into the front of the house at 137 Roxborough Drive. The replacement windows were to match the originals. This approval was in connection with a building permit application that included a three-storey rear addition and the replacement of a garage at this property.

In August 2023, Heritage Planning staff were notified of the alterations that had taken place at 137 Roxborough Drive. Heritage Planning staff conducted site visits to the subject property to confirm the extent of the alterations.

On September 11, 2023 Heritage Planning issued a letter to the owners of the property at 137 Roxborough Drive informing them that works have been taking place at this property that did not have approval under Section 42 of the Ontario Heritage Act. They were advised to cease making further alterations, to discuss the alterations that have taken place with Heritage Planning Staff and to apply for the necessary approvals under Section 42 of the Ontario Heritage Act. The unauthorised alterations included the installation of new windows that did not match the originals, the painting/staining of the stone on the front bay window and changes to the second-storey above the front entrance.

On November 30, 2023 approval was granted under Section 42 of the Ontario Heritage Act for the installation of new shingles above the front porch and for the use of synthetic slate for the roof of the front bay window.

## **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:

3.1.5.4: 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.

3.1.5.5: 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.

3.1.5.33. 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. This states:

- 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)
- Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted. (Standard 4)
- 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)
- Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place. (Standard 10)

- Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. (Standard 13)

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

### **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:

Reasonable effort should be taken to repair rather than replace significant architectural elements.

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.

Alterations and additions should, to the extent reasonable, maximize the use of materials that predominate in the building concerned or in buildings of similar architectural style in the area.

Existing wall to window ratio and proportion should, in general, not be materially altered.

Windows, doors and details should relate in scale and proportion to those of the existing building.

### **COMMENTS**

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Heritage Planning staff have reviewed the alterations to the heritage property at 137 Roxborough Drive which include new windows that do not match the originals, the enlargement of a window opening on the first storey, the removal and reconstruction of the bay window by the entrance porch with a new bay window addition that does not

match the appearance of the original and the staining of the stone on the two-storey front bay window. Heritage Planning's opinion is that these alterations are not consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada and the Official Plan, and not in keeping with the design guidelines of the NRCHD Plan as they have a negative impact on the heritage character of the property and the District.

The original windows on the front elevation and above the front porch at 137 Roxborough drive were wood and included smaller lites above larger single glass panes. They were characteristic of windows in Edwardian era houses. The replacement "Victorian-era sash style windows" do not match the profile, divisions or proportions of the original windows and detract from the architectural style or character of this Edwardian-era house.

A small ground floor front window opening has been enlarged and a new window installed. Such small windows are a common feature of Edwardian era buildings and its replacement with a "Victorian-era sash style window" detracts from the architectural style or character of the Edwardian-era house with its Tudor revival and Arts and Crafts details.

This house was designed with limestone being a dominant element of the front bay window. The use of limestone reflects the Arts and Crafts influence in the design of this house and it is intended to bring a lightness that would contrast with the red brick masonry. The staining of the natural stone red gives the stone the appearance of being sandstone and gives the building a Richardsonian Romanesque appearance that detracts from the architectural style or character of the original building. It also gives a false sense of architectural development to both the building in question and to this part of North Rosedale.

The stone tinting has not been fully completed and the owners seek approval to complete the tinting to give the stone a uniform appearance. The owners are also asking for approval to test the potential to use steam cleaning to remove the existing tint if permission is not granted to retain the existing red stone tinting. Limited details of the proposed stone cleaning have been submitted so Heritage Planning cannot assess the potential impact this could have on the character and appearance of this designated building. As such staff recommend that permission is not granted for this under Section 42 of the Ontario Heritage Act.

If City Council does not grant approval for the alterations noted above Heritage Planning staff will work with the owners to find solutions to restore the historic character and appearance of the designated property at 137 Roxborough Drive in accordance with the requirements of the Ontario Heritage Act, the Official Plan and the North Rosedale HCD Plan. This may involve exploring the potential for steam cleaning the stone once further details of the specifications and scope of this work has been explored.

The original bay window in the entrance porch with its slightly bevelled masonry base has been removed. This has been replaced with a bayed addition with a masonry ends, a masonry base that no longer includes a slightly curved shape or windows that match the originals. This alteration was not shown on any of the drawings submitted to

Heritage Planning staff. It represents the removal of a significant architectural element of this designated building and its replacement with an addition that does detracts from the architectural style and character of this Edwardian-era house.

Heritage Planning staff are therefore of the opinion that the alterations to the designated heritage property at 137 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**

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

## **ATTACHMENTS**

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Attachment 1 - Location Map  
Attachment 2 - Photographs

# LOCATION MAP

# ATTACHMENT 1

## 137 Roxborough Drive



Map showing the subject property's location outlined in red at 137 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).



137 Roxborough Drive



Contextual photo of the north elevation of the existing building at 137 Roxborough Drive prior to the unauthorized alterations (Google Maps, 2020).

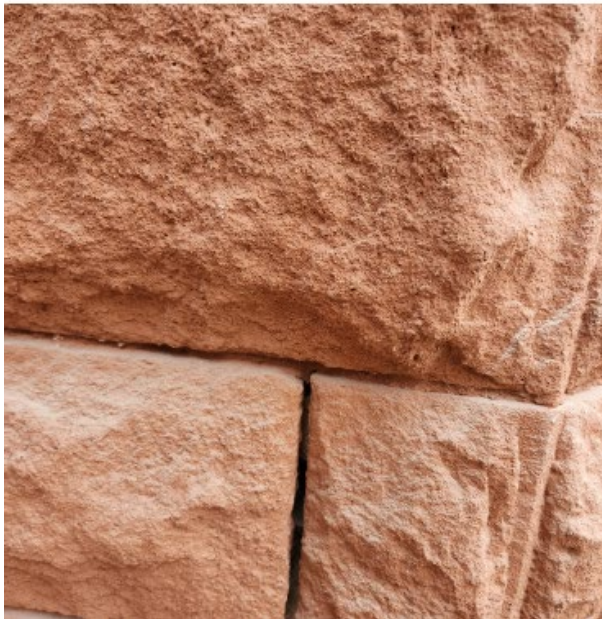


Contextual photo of the northeast elevation of the existing building at 137 Roxborough Drive prior to the unauthorized alterations (Google Maps, 2020).





Contextual photo of the north elevation of the existing building at 137 Roxborough Drive showing the extent of unauthorized work done to the windows and the first-storey window opening (Boldera, 2024).



Detailed photo of the north elevation of the existing building at 137 Roxborough Drive showing the extent of the unauthorized work done to the natural cut and cast stone on the two-storey bay window (Boldera, 2024).





Photographs showing the original bay window in the front porch (on left) and the current masonry projection within the front porch (on right) (Source: Google Maps 2020 and Boldera, 2024)