

## **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**

**Date:** March 15, 2024

**To:** Planning and Housing Committee

**From:** Interim Chief Planner and Executive Director, City Planning

**Wards:** Ward 12 – Toronto-St. Paul's

### **SUMMARY**

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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 March 26 and 27, 2018, City Council adopted item MM38.28 – 64 Woodlawn Avenue West- Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act (OHA). No notice of objection to the designation was served on the Clerk within the 30-day objection period. The City of Toronto passed Designating By-law 606-2018 on May 24, 2018.

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 on January 25, 2024. The applicant is of the opinion that the property at 64 Woodlawn Avenue West does not merit designation under Part IV, Section 29 of the OHA.

The OHA requires that notice of an objection to the Application to Repeal the Designating By-law may be served on the City Clerk within 30 days of January 25, 2024, which was February 26, 2024. The City Clerk did not receive any objections during this period. City Council shall consider an application within 90 days after the end of the 30-day period, which is May 26, 2024.

As a result of the recent changes to Ontario Regulation 9/06, a property may be designated under Part IV, Section 29 of the OHA, if it meets 2 or more of the 9 criteria.

Staff have reviewed the Repeal Application and remain of the opinion that the property at 64 Woodlawn Avenue West has cultural heritage value and meets 4 of the Ontario Regulation 9/06 criteria prescribed for municipal designation under Part IV, Section 29 of the OHA.

As such, the property should continue to be designated, however, staff are recommending that the designating By-law be amended to address specific matters identified by the owner/applicant in their Repeal Application and as described below in this report. The amendments to By-law 606-2018 are appended to this report as Attachment 3. A redline to Schedule A to By-law 606-2018, as proposed to be amended by Attachment 3, is appended in this Report as Attachment 4.

## **RECOMMENDATIONS**

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

1. City Council refuse the application to repeal By-law 606-2018, regarding the property municipally known as 64 Woodlawn Avenue West, under Section 32 of the Ontario Heritage Act.
2. City Council state its intention to amend By-law 606-2018, which designates 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 substantially in accordance with Attachment 3- Proposed Amendment to By-law 606-2018 appended to the report (March 15, 2024) from the Interim Chief Planner and Executive Director, City Planning.
3. If there are no objections to the proposed amendment to By-law 606-2018, City Council authorize the City Solicitor to introduce the Bill in Council amending By-law 606-2018 under Part IV, Section 30.1 of the Ontario Heritage Act.

## **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.

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

## **DECISION HISTORY**

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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>

## **BACKGROUND**

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The City Clerk received a Notice of the Application to Repeal a Designating By-law at 64 Woodlawn Avenue West on January 25, 2024. The OHA requires that notice of an objection to the Application to Repeal the Designating By-law may be served on the City Clerk within 30 days of January 25, 2024, which was February 26, 2024. The City Clerk did not receive any objections during this period.

City Council shall consider an application within 90 days after the end of the 30-day period, which is May 26, 2024.

## **COMMENTS**

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Staff have reviewed the Application to Repeal a Designating By-law at 64 Woodlawn Avenue dated December 21, 2023, and prepared by Michael J. Campbell of Deacon, Spears, Fedson + Montizambert on behalf of the Owners.

The applicant believes that the property at 64 Woodlawn Avenue West does not meet any of the criteria in Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, and does not merit designation. As of January 1, 2023, Ontario Regulation 9/06 requires that a property meet 2 or more of the 9 prescribed criteria.

The applicant takes 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), who unbeknownst to staff at the time of writing the designation report, is alleged 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.

Staff have examined the letter written by Dr Michael Akladios, submitted in support of the Application, which outlines that, in Dr Akladios's words, Caldecott held restrictive views on immigration and believed that education was a vehicle for assimilation to safeguard the character of the Dominion of Canada under the Empire.

Accordingly, staff have re-examined the Statement of Significance (Reasons for Designation) and the associated heritage attributes and are recommending that By-law 606-2018 be amended to remove references to Caldecott as described below in this report. None of the heritage attributes in Schedule A of By-law 606-2018 are associated with Caldecott. Instead, they embody the work of the architect, Eden Smith. As such, the proposed amendments to the Statement of Significance (Reasons for Designation) do not diminish the Cultural Heritage Value of the property at 64 Woodlawn Avenue West. As City staff are not recommending that By-law 606-2018 be repealed, City Council must first state its intention to amend By-law 606-2018, and if there are no objections received, the enabling by-law will be submitted directly to amend By-law 606-2018.

Staff have re-examined By-law 606-2018 and are of the opinion that the property meets 4 of the 9 criteria as generally described below.

### **Design or Physical Value**

The opinion letter dated to November 1, 2023, and written by Richard Wengle Architect inc., which is included as support in the Repeal Application, does not provide any justification from a qualified heritage professional. The letter merely reaffirms the findings in MW Hall Corporation's 2018 "Heritage Impact Summary Chart" and provides no new or relevant information. The "Heritage Impact Summary Chart" dated to May 22, 2018, which was originally prepared by Mark. W. Hall, Architect and Heritage Consultant (July 6, 1941 - March 22, 2023) and President of the architectural firm, MW Hall Corporation, as part of his expert witness statement for the 2018 TLAB hearing and is included as support in the Repeal Application, does not provide any justification as to why the subject property does not meet the any of the 3 criteria under design/physical value.

Staff maintain that the property is valued as a fine representative example of an early-20th century house form building designed in the Period Revival style influenced by the Arts and Crafts Movement as interpreted by architect Eden Smith. It is distinguished by its asymmetrical plan with the projecting bays, the complicated roofline with the gables and the distinctive canted chimneys, and the decorative wood strapwork. Staff are of the opinion that the property continues to meet criteria number 1 of Ontario Regulation 9/06.

### **Historical or Associative Value**

In the City's 2018 staff report and Statement of Significance (Reasons for Designation), the property had been identified as having, in part, historical/associative value because of its association with Caldecott. In light of the new information regarding Caldecott, staff have re-examined the Statement of Significance (Reasons for Designation) and the associated heritage attributes and are recommending that By-law 606-2018 be

amended to remove references to Caldecott. Staff are recommending that the property name being “Caldecott House” be removed from By-law 606-2018 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 being partly attributed to its association with Caldecott be removed in its entirety as outlined in Attachment 3 and shown in Attachment 4. None of the heritage attributes in Schedule A of By-law 606-2018 are associated with Caldecott. Instead, they embody the work of the architect, Eden Smith. As such, the proposed amendments do not diminish the Cultural Heritage Value of the property at 64 Woodlawn Avenue West.

Staff maintain that the property is valued for its association with the English-born, Toronto architect Eden Smith, who designed the subject property, and became known for his distinctive designs influenced by the Arts and Crafts ideals of William Morris and those in his circle. Heritage attributes identified in the Statement of Significance (Reasons for Designation) continue to be reflective of the work of Smith, and staff are of the opinion that the property continues to meet criteria number 6 of Ontario Regulation 9/06.

### **Contextual Value**

Staff maintain that the property has contextual value as it continues to meet criteria number 7 and 8 of Ontario Regulation 9/06. Through the setback, placement, and orientation of the building on the north side of the street, the property is valued for its contribution to the character of the area, which originated as William Hume Blake’s 19th-century “Woodlawn” estate and was developed afterward as an upscale resident enclave that was annexed to the City of Toronto in 1888. Through its 2½-storey scale, house form, and massing, the property at 64 Woodlawn Avenue West is historically, visually and physically linked to its settling where, with its neighbours to the west, it is set back from the street line on a slight rise of land.

The full research and evaluation of the property at 64 Woodlawn Avenue West is found in the report from the Acting Chief Planner and Executive Director, City Planning dated March 21, 2018 (<https://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-113654.pdf>)

## **CONCLUSION**

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Staff have reviewed and determined that the property at 64 Woodlawn Avenue West meets 4 out of the 9 criteria in Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act. As such, staff are of the opinion that the property should continue to be designated, and By-law 606-2018 be amended substantially in accordance with Attachment 3 to this report.

## **CONTACT**

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## **SIGNATURE**

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Kerri A. Voumvakis  
Interim Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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Attachment 1 – Notice of Application to Repeal A Designating By-law – at 64 Woodlawn Avenue West  
Attachment 2 – Statement of Significance (Reasons for Designation) – 64 Woodlawn Avenue West  
Attachment 3 – Proposed Amendment to By-law 606-2018  
Attachment 4 – Redline to Schedule A to By-law 606-2018 Respecting 64 Woodlawn Avenue West  
Attachment 5 – Photographs