

Alterations to a Designated Heritage Property in the North Rosedale Heritage Conservation District - 98 Highland Avenue - Refusal

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 98 Highland Avenue under Section 42 of the Ontario Heritage Act.

The subject site is a "B-rated" property located in the North Rosedale Heritage Conservation District (HCD). The applicant is requesting retro-active approval for windows that have already been installed. The new windows detract from the architectural style and character of the building and 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.

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 98 Highland Avenue, in accordance with Section 42 of the Ontario Heritage Act, for alterations including the new windows as outlined in the letter prepared by Daniel Buim and Jodi Ballet, dated March 12, 2024.
2. If the owner appeals City Council's decision to refuse the application to alter the heritage property at 98 Highland Avenue under Section 42 of the Ontario Heritage Act, City Council authorize the City Solicitor and the necessary 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 98 Highland Avenue.

BACKGROUND

The property at 98 Highland Avenue is located within the North Rosedale Heritage Conservation District (NRHCD). It is situated on the north side of Highland Avenue between Bin-Scarath Road and Glen Road.

98 Highland Avenue Roxborough is an English Arts and Crafts style house that is clad in brick and stucco with a sweeping main roof gable and half timbering. It was built in 1910 and designed by the architects Chadwick and Beckett; who designed a number of other houses in the Rosedales. The NRHCD Plan classifies this house as being "B-rated"; meaning it is a landmark" of significant merit" and of "citywide significance".

The subject property is situated within Zone 1 of the NRHCD, otherwise known as the Ravine Lands. This area is characterized by sloping land and dense vegetation. The NRHCD Plan notes that the architectural character of this area is of buildings "of above average scale, size and architectural articulation" and which include some "fine Arts and Crafts style houses". The "B-rated" house at 98 Highland Street is one of these "fine Arts and Crafts style houses".

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

New windows have been installed in the house at 98 Highland Avenue without obtaining the required approvals under the Ontario Heritage Act. The property owners have

therefore submitted this application seeking retro-active approval for the windows that have been installed. The new windows are larger and do not include any multi-lite detailing.

Application History

In October 2023, Heritage Planning staff were notified of the alterations that had taken place at 98 Highland Avenue. Heritage Planning staff conducted site visits to the subject property to confirm the extent of the alterations.

In December 2023, Heritage Planning advised the owners of the property at 98 Highland Avenue that they must seek retroactive approval under Section 42 of the OHA for the new windows that had been installed.

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.

3.1.6.33. 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.... (Standard 1)
- Conserve changes to an historic place that, over time, have become character-defining elements in their own right. (Standard 2)
- 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)
- Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place. (Standard 11)
- 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)
- 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)
- Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence. (Standard 14)

Section 4.3.5 states:

Windows... are among the most conspicuous of any building's features. They punctuate the façade.... providing light, views, fresh air and access to the building — their arrangement and design is fundamental to the building's appearance and heritage value.... Windows... are vulnerable to wear and tear, changing tastes and functional requirements. The ongoing need for maintenance and upgrades can, however, motivate interventions that can have a negative impact on their heritage value."

The Guidelines with respect to windows recommends:

- Replacing missing historic features by designing and installing new windows... based on physical and documentary evidence, or one that is compatible in size, scale, material, style and colour. (4.3.5.17)
- Designing and constructing a new window...when it is completely missing, with a new design that is compatible with the style, era and character of the historic place, or a replica based on documentary evidence. (4.3.5.18)

They do not recommend:

- Removing an irreparable window...and... replacing it with a new one that does not convey the same appearance or serve the same function. (4.3.5.16)
- Creating a false historical appearance because the new window...is incompatible, or based on insufficient physical and documentary evidence. (4.3.5.17)
- Installing new windows...that are incompatible with the building's style, era and character, or that obscure, damage or destroy character-defining elements. (4.3.5.20)
- Removing an irreparable window...and not replacing it, or replacing it with an inappropriate window... (4.3.5.33)
- Failing to remove a non-character-defining window...from another period that confuses the depiction of the building's chosen restoration period. (4.3.5.34)

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

COMMENTS

Heritage Planning Staff have reviewed the alterations to the heritage property at 98 Highland Avenue which include the installation of new "energy-efficient windows" with "fewer dividers/grilles than prior" as outlined in the submission package. The submission package notes that the window sizes and configuration are unchanged and that the proportions have been maintained, but the new windows include large panes of glass and do not include the small panes that existed before and which reflect the Arts and Crafts style of this house.

The windows that were removed were not original but included divided lites that were compatible with the Arts and Crafts character of the existing house. As they were not original, and Heritage Planning raise no objections to the principle of their removal, provided any new windows also maintain or enhance the existing architectural style and character of the house.

Arts and Crafts houses typically include windows with divided lites. Heritage Planning staff are concerned that the new windows, with their large panes that include no divided lites, are not compatible with the style, era or character of this "B-rated" Arts and Crafts style house. The new windows undermine and diminish its Arts and Crafts character. Moreover by undermining the character of this "B-rated" property the new windows also detract from the character of this part of North Rosedale which is noted for having "fine" Arts and Crafts style buildings. As such the new windows do not comply with the policies in the North Rosedale HCD Plan or to the Standards and Guidelines for the Conservation of Historic Buildings in Canada.

Heritage Planning staff are therefore of the opinion that the alterations to the designated heritage property at 98 Highland Avenue 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 be refused.

CONTACT

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SIGNATURE

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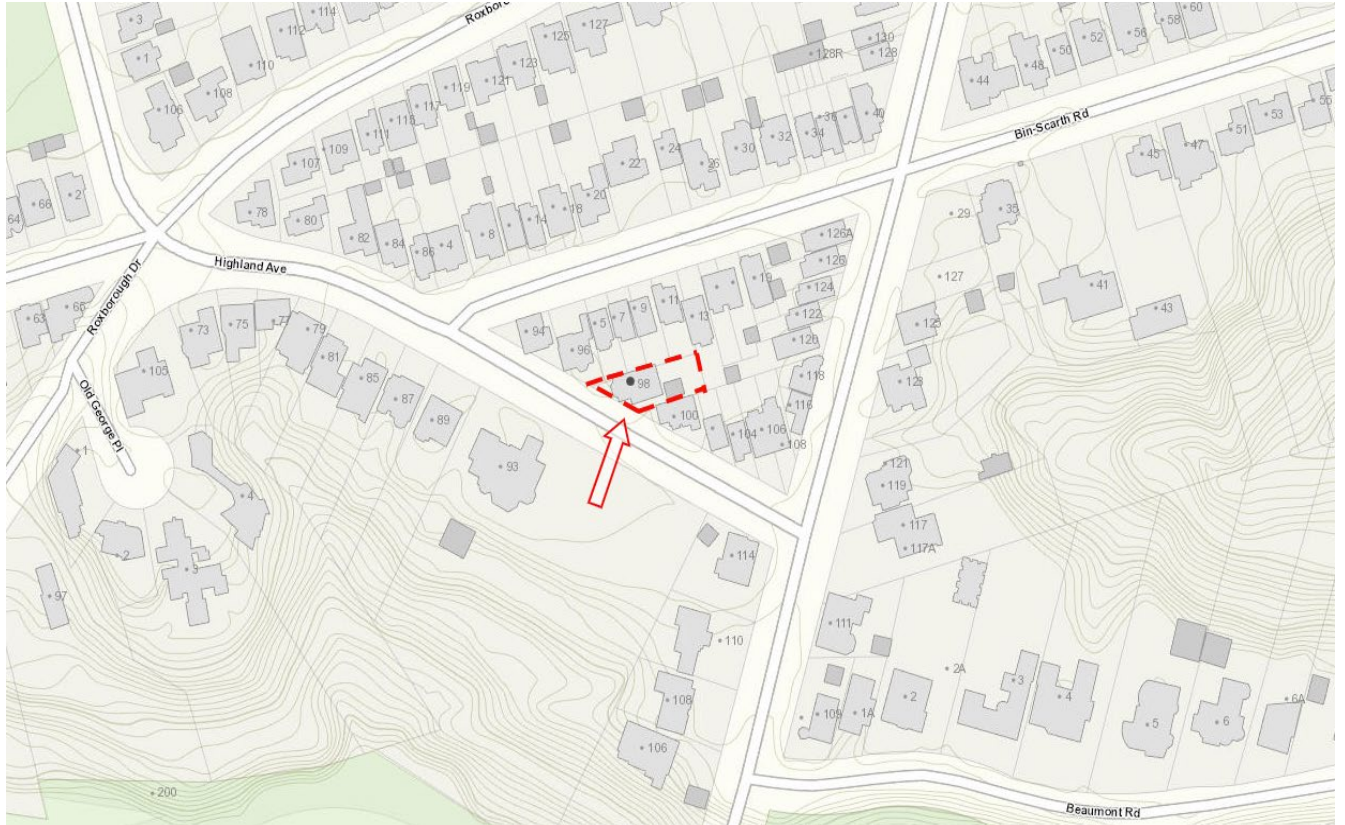
ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs

LOCATION MAP

ATTACHMENT 1

98 Highland Avenue



Map showing the subject property's location outlined in red at 98 Highland Avenue on the north side of Highland Avenue between Bin-Scarath Road and Glen Road. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

98 Highland Avenue



Contextual photo of the south elevation of the existing building at 98 Highland Avenue prior to the unauthorized alterations (Google Maps, 2020).



Contextual photo of the south elevation of the existing building at 98 Highland Avenue after the unauthorized alterations (City of Toronto, 2024).



Detailed photo of the south elevation of the existing building at 98 Highland Avenue prior to the unauthorized alterations (Google Maps, 2020).



Detailed photo of the south elevation of the existing building at 98 Highland Avenue after the unauthorized alterations (City of Toronto, 2024).