

450 Rustic Road - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection

Date: July 7, 2025

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 5 – York South-Weston

SUMMARY

This report recommends that City Council affirm its decision of May 21-22, 2025 (Item PH21.8) stating its intention to designate the property at 450 Rustic Road under Part IV, Section 29 of the Ontario Heritage Act (OHA). The City has received an objection to the notice of intention to designate on behalf of the property owner within the statutory timeline.

The subject property at 450 Rustic Road is located on the north side of Rustic Road, south of Highway 401, and west of Keele Street, in the Maple Leaf neighbourhood. Constructed in phases, 450 Rustic Road contains a rare Pre-Confederation house-form building composed of two sections, the original c.1843 modest-sized rural dwelling with Georgian styling and a c.1855 expansion that evolved the dwelling into a grand farmhouse in the more ornate Italianate architectural style. Named Downs View House by the original owner, John Perkins Bull, the property at 450 Rustic Road is valued for its central role in the 19th-century history of the Downsview community that takes its name from this landmark property. The cultural heritage value of Downs View House has been recognized on the former municipality of North York's list of heritage properties in 1977.

City Council has until September 24, 2025, 90 days from the date of the end of the objection period, to make a decision on this objection as per the timeline under the Act.

Staff have reviewed the objections raised on behalf of the owner and remain of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Act under five of the nine criteria for its design/physical, historical/associative, and contextual values.

As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, staff are of the opinion that

this property should be designated. Designation enables City Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

RECOMMENDATIONS

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

1. City Council affirm its decision to state its intention to designate the property at 450 Rustic Road under Part IV, Section 29 of the Ontario Heritage Act as set out in City Council Decision Item PH21.8 on May 21, 2025.
2. City Council authorize the City Solicitor to introduce the Bill in City Council designating the property at 450 Rustic Road under Part IV, Section 29 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

At its May 21 and 22, 2025 meeting, City Council adopted a report from the Chief Planner and Executive Director, "450 Rustic Road - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act" (PH21.8) and stated its intention to designate the property at 450 Rustic Road under Part IV, Section 29 of the Ontario Heritage Act. [Agenda Item History - 2025.PH21.8](#)

BACKGROUND

City Council has stated its intention to designate the subject property under Part IV, Section 29 of the Ontario Heritage Act. A Notice of Intention to Designate was served on the property owners and the Ontario Heritage Trust and was published in accordance with the Ontario Heritage Act. The objection period ended on June 26, 2025.

The City Clerk received a Notice of Objection from the property owner within the required timeframe set out in the Ontario Heritage Act. The OHA requires that City Council consider and make a decision on an objection within 90 days from the end of

the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate.

COMMENTS

Staff have reviewed the Notice of Objection submitted by the property owner on June 26, 2025. A copy of the Notice of Objection is included as Attachment 1 to this report. Through this letter, the owner outlines several reasons for their objection, which primarily focus on the future redevelopment potential of the subject property. No development application has been submitted. Most importantly, the owner does not object to the property having cultural heritage value.

The objector claims that the timing of the designation is premature as they have not yet submitted a redevelopment plan for the site; that the lack of community and stakeholder input risks overlooking the evolving needs of the neighbourhood and the city's goals for responsible intensification and sustainable development; and, that the structure's state of advanced deterioration would require extensive or complete replacement of original materials and craftsmanship, that the restoration work required would be prohibitively expensive, and that the extent of need restoration/replacement work would render the property undevelopable. It is the property owner's opinion that designation under the Ontario Heritage Act will increase expense and uncertainty around potential redevelopment of the property.

With respect to prematurity, a development application is not required to designate a property under the OHA. Also, as a result of Provincial changes to the OHA, the City has established a phased implementation of the legislative changes to review properties on the heritage register. This property was listed on the heritage register in 1977 and will be deemed removed from the heritage register on January 1, 2027, should the City not designate the property under the OHA.

The OHA prescribes the process of designation of a property under Part IV of the OHA. The OHA also prescribes criteria, under O. Reg 9/06, against which a property is to be evaluated in order to determine whether or not the property has cultural heritage value or interest and therefore should be recommended for designation under the OHA. Designation of a property under s. 29 of the Ontario Heritage Act is not predicated on a development application. Zoning By-laws and Planning Act applications do not determine the cultural heritage value or interest of a heritage property nor are they included in criteria for the evaluation or determination of cultural heritage value. Instead, Planning Act applications are to be informed by the designation by-laws and cultural heritage value or interest determined under the OHA such that a determination can be made whether the level of intervention and conservation proposed for a designated property is appropriate. To reach this understanding, it is necessary to first understand the cultural heritage value of a property prior to planning for change and considering interventions to the heritage property.

The sequential approach described above is consistent with the Standards and Guidelines for Historic Places in Canada and is also consistent with the intent of the

Provincial Planning Statement (2024), which clarify that determination of the cultural heritage value should be undertaken prior to the application of heritage conservation policies to a particular planning application. Likewise, recent changes to the OHA emphasize early identification and protection of heritage properties by municipalities and changes made through Bill 108 require that municipalities designate properties with cultural heritage value or interest within 90 days of the Clerk issuing a notice of complete application for the planning application, unless the timeline is extended or waived by the owner. The appropriateness of proposed interventions to a heritage property within the planning process are then determined through an alteration or demolition application under Section 33 and Section 34 of the OHA. Whether a current or future planning application will conserve a heritage property is not a consideration or a determination to be made within the context of a designation by-law under Section 29 of the OHA.

The objector is also of the opinion that there should have been broader community and stakeholder consultation before City Council consideration to designate the subject property. With respect to designation, the OHA prescribes the process for designation. The Province only mandates consultation with the Toronto Preservation Board, if established for the purpose of providing advice to Council on designations under the OHA. There are no additional consultation requirements in the OHA. The Province has also prescribed O. Reg 9/06 which establishes the required criteria for determining whether a property has cultural heritage value or interest. There are no other criteria to be met, and there is no requirement for community input during the preparation of a Notice of Intention to Designate report under Part IV of the OHA. The process in the Act was followed in preparing the Notice of Intention to Designate report for the subject property, and City Council exercised its authority to designate the subject property at 450 Rustic Road.

Staff remain of the opinion that the property at 450 Rustic Road meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the OHA, on the basis of its design/physical, historical/associative and contextual values.

Should Council affirm its intention to designate, the City Solicitor will introduce a designating by-law to Council under Section 29 of the OHA. Once City Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the OHA, an appeal may be made to the Ontario Land Tribunal in accordance with the OHA. The Ontario Land Tribunal Decision is binding.

CONCLUSION

The property at 450 Rustic Road meets five of nine criteria under Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act for its design/physical, historical/associative, and contextual values. As such, and despite the Notice of Objection, this property should be designated as set out in Council Decision PH21.8 on May 21, 2025.

CONTACT

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SIGNATURE

Jason Thorne
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 450 Rustic Road

Attachment 2 – Statement of Significance (Reasons for Designation) – 450 Rustic Road

Attachment 3 – Photographs