

3100 Weston Road - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection

Date: April 16, 2025

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: Ward 7 - Humber River-Black Creek

SUMMARY

This report recommends that City Council affirm its decision of February 5, 2025 (PH18.16), stating its intention to designate the property at 3100 Weston Road (the subject property) under Part IV, s. 29 of the Ontario Heritage Act (OHA).

City Council has until June 8, 2025, which is 90 days from the date of the end of the objection period, to decide on this objection as per the timeline under the OHA. Therefore, this matter must be considered at the May 21-23, 2025 meeting of City Council, otherwise, the Notice of Intention to Designate the property will be deemed withdrawn under the OHA, unless a written waiver of the timelines is provided by the owner.

The City has received an objection to the notice of intention to designate within the statutory timeline from LHC Heritage Planning and Archaeology Inc. (LHC), on behalf of the property owner. A copy of the notice of objection is included as Attachment 1 to this report. In the objection letter, LHC states that the owner and LHC acknowledge the cultural heritage value or interest of the subject property and that the list of attributes outlined in the Statement of Cultural Heritage Value (Reasons for Designation) is consistent with LHC heritage evaluation, but raises procedural concerns related to Recommendation 3 of City Council's decision of February 5, 2025.

The Council recommendation directs staff to evaluate the entirety of the property for potential future amendments to the designation by-law. This present staff report clarifies that a Council recommendation for future work is unrelated to the designation by-law currently before Council and staff outline the mandated amendment process and procedures of the OHA that the City would be required to undertake in that regard.

The property owner requests that the designation of the subject property be deferred to allow for additional discussion with City Staff and LHC, however the nature of the discussion is not identified in the objection letter and the owner's heritage consultant concurs with the values and attributes as set out within the designation under

consideration. As such, staff are of the opinion that there is no basis to recommend deferral.

Staff have reviewed the objections and remain of the opinion that the property at 3100 Weston Road has cultural heritage value and meets six of the Ontario Regulation 9/06 criteria prescribed for municipal designation under Part IV, Section 29 of the OHA. As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, s. 29 of the 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 3100 Weston Road under Part IV, Section 29 of the Ontario Heritage Act as set out in Council Decision PH18.16 on February 5, 2025.
2. City Council authorize the City Solicitor to introduce the bill in City Council designating the property at 3100 Weston Road under Part IV, Section 29 of the Ontario Heritage Act.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the adoption of 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

The property at 3100 Weston Road was included on the North York Inventory of Heritage Properties by North York Council on October 6, 1997. The property was listed on the City of Toronto's Heritage Register on September 27, 2006.

On September 6, 2023, City Council adopted item MM10.5, a request from Councillor Anthony Perruzza to evaluate the listed property at 3100 Weston Road for designation under Part IV of the Ontario Heritage Act. The report can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.MM10.5>

On November 8, 2023, City Council adopted item EY8.26, which recommended that City Council amend the Listing Statement for the property at 3100 Weston Road. The report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY8.26>

On January 8, 2025, the Toronto Preservation Board adopted a report from the Senior Manager, Heritage Planning, "3100 Weston Road - Notice of Intention to Designate a Property under Part IV, Section 29, of the Ontario Heritage Act" (PB26.1). The report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PB26.1>

On February 5, 2025, City Council adopted a report from the Chief Planner and Executive Director, "3100 Weston Road - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act" (PH18.16) and stated its intention to designate the property at 3100 Weston Road under Part IV, Section 29 of the Ontario Heritage Act. The report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH18.16>

BACKGROUND

City Council stated its intention to designate the property at 3100 Weston Road under Part IV, Section 29 of the Ontario Heritage Act on February 5, 2025.

On February 7, 2025, the City Clerk served the notice of intention to designate on the property owner and the Ontario Heritage Trust and was published in accordance with the OHA.

The notice can be found here: <https://secure.toronto.ca/nm/api/individual/notice/5953.do>
The objection period ended on March 10, 2025.

The City Clerk received a notice of objection from LHC submitted on behalf of their client, the owner of the subject property. 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

The subject property at 3100 Weston Road, known as Rivermede, straddles the boundary of the Humbermede and Pelmo Park-Humberlea neighbourhoods, and is located on the west side of Weston Road at the intersection of Weston Road and Sheppard Avenue West. The subject property contains a detached two and a half-storey house-form building with a two and a half-storey garage, a rear pool complex and pumphouse, and an expansive surrounding landscape. Constructed in c.1930-1931 for Percy R. Gardiner and his wife, Gertrude Gardiner, and designed by renowned architect Jocelyn Davidson and landscape architect Arthur M. Kruse, the residence is fashioned in the Tudor Revival style and is set within an expansive lot that extends into the Humber River Valley. The property is also associated with the Order of Saint Basil the Great (OSBM) Holding Corporation, a Ukrainian Greek Catholic monastic order, based

in Winnipeg, who built a church, school (St. Basil-the-Great College), and had their monastery from 1958 until 2023.

Staff have reviewed the notice of objection dated March 7, 2025 prepared by LHC. A copy of the notice of objection is included as Attachment 1 to this report. The objection letter states the property "Owner acknowledges the cultural heritage value or interest of the Property as outlined in the Heritage Attributes including attributes that contribute to the [cultural heritage Value or interest] of the property."

Staff remain of the opinion that the Statement of Significance appropriately describes the cultural heritage value or interest of this property as it relates to all features.

The objection also expressed concerns "about the scope and extent of the Property that may be affected by designation under the OHA" and Recommendation 3 of Council's decision on February 5, 2025 "relating to continued review of the Property for potential future amendments to the designation". The Objection Letter further states that a concern around "heritage attributes - not currently outlined in the proposed Statement of Cultural Heritage Value or Interest - may be added to the by-law prior to designation or at an unknown time in the future". Furthermore, the Objection Letter states that "[t]his uncertainty is detrimental to the Owner's ability to plan for future changes to the site while conserving and managing its heritage attributes."

Recommendation 3 of Council's decision on February 5, 2025 included direction to "the Senior Manager, Heritage Planning, Urban Design, City Planning to evaluate the entire property at 3100 Weston Road as a Cultural Heritage Landscape, considering all historical eras of the site including, but not limited to, the area's Indigenous heritage and the Humber River Valley, the post-colonial siting of the private residence, Rivermede, and the property's use by of The Order of Saint Basil, a Ukrainian Greek Catholic monastic order, as the site of their church, school (St. Basil- the-Great College), monastery, and printing house, and to recommend any such amendment to this designation as may be necessary."

Based on the current research for the property, the proposed designation by-law is consistent with the Decision of Council on February 5, 2025.

Through further research and evaluation, the Council Direction may result in future amendments to the designation by-law. It should be noted however, that further research and evaluation does not necessarily mean that it will result in amendments to a designation by-law.

Recommendation 3 adopted by Council is related to future work to be undertaken by City staff and does not amend or modify the proposed by-law that is the subject of this report.

If any amendments to a designation by-law are proposed, the OHA prescribes the process for amending a designation by-law. This requires new notice, new Council decision, and new appeal rights in respect of the specific amendments proposed under section 30.1 of the OHA. Any changes to a designation by-law are required to comply with the process and procedure set out under s.30.1 of the OHA.

The objection letter also requested that "a visual depiction of the limits of the Property's heritage attributes be included in any future designation by-law to support the written description." The City typically meets the OHA's requirements for the content of a designation by-law under Part IV, s. 29 of the OHA with a written description of the heritage attributes as contemplated by O. Reg 385/21. Visual depictions of the property in the form of photographs are included in the staff report and were also provided by LHC in a Heritage Impact Assessment dated December 20, 2023. Staff is of the opinion that no further information is required to satisfy the OHA's requirements for a designation by-law under section 29 of the OHA.

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 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

Staff have reviewed the objection and remain of the opinion that the property at 3100 Weston Road has cultural heritage value and meets six out of nine criteria relating to design/physical, historical/associative, and contextual values in Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, s. 29 of the Ontario Heritage Act. As such, despite the notice of objection, it is recommended that this property be designated as set out in Council Decision PH18.16 on February 5, 2025.

CONTACT

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SIGNATURE

Jason Thorne
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City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 3100 Weston Road