



CHOnews

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GORDON CHURCH AND CONGREGATIONAL CHURCH OF ST. ELMO

KAREN DAVISON AND DANE LANKEN

Two historically and architecturally interesting 19th century churches stand a stone's throw from one another at the crossroads of St. Elmo, in Glengarry, Ontario's easternmost county. The churches aren't used anymore, haven't been for years, and their future is uncertain.

That's not for want of trying. The Township of North Glengarry, the local museum, the local historical society, a good many local people, and the Presbyterian Church in Canada are all concerned. Losing the buildings is unthinkable. But exactly how they are to be preserved and re-purposed is unclear. There are complications with location and re-use, and though the buildings remain in good shape, time is ever the enemy.

The two churches are the Congregational Church, a large, square pioneer log structure erected in 1837 (making it the oldest Congregational church in Canada), and a stone's throw away, the Gordon Church, from 1864, a prominently-set, red-brick, lancet-windowed Gothic Revival perfect country church.

There is not much to St. Elmo other than the two churches. It's in a prosperous agricultural area a few kilometres north of Maxville, Ontario, a village whose normal population of under a thousand

swells to 30 or 40,000 the first weekend of every August when it hosts the internationally-renowned Glengarry Highland Games.

A Congregational parish was organized among Highland Scottish settlers around St. Elmo in 1823, and the hand-hewn cedar log building – standard construction for all buildings in the area at the time – was put up 14 years later. Congregationalism, wherein individual congregations maintain considerable independence, originated in 16th century England and found widespread support in pioneer-era Canada. There were 111 Congregational churches in Canada in 1925 when the Congregationalists voted to join the United Church of Canada.



Congregational Church
Photograph: Township of North Glengarry

Back in the mid-19th century, the St. Elmo Congregationalists became embroiled in the Canadian version of the long-running dispute between the official Church of Scotland and the breakaway Free Church of Scotland. In the 1860s, a Free Church minister, Rev. Daniel Gordon, was barred from the Congregational Church, and he did the only reasonable thing: he built his own church, that

handsome red-brick Gothic Revival one just a stone's throw away.

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PRESIDENT'S MESSAGE



The Amended *Ontario Heritage Act*

The amendment, which has been passed as part of Bill 108 by the Ontario government but not yet proclaimed for the *Ontario Heritage Act*, will impact your Municipal Heritage Committee (MHC) and municipal council when 'listing' or 'designating' properties under the Act. Over the next few President's messages, I will highlight some of the important changes to the Act.

Listing A Heritage Property

Listing means that council has included a property in the Register, but Council has not designated the property under the Act. The importance of 'listing' a property remains the same – it permits a council to delay demolition of a building or structure on a 'listed' property for 60 days from the date when council is informed of the proposed demolition. Listing also is a notice to all that the property has potential cultural heritage value. Should Council wish to prohibit the demolition, then it would express its intent to designate the property under the Act. Council may specify information requirements to accompany an application to demolish on a 'listed' property. The requirement that the MHC be consulted by its Council before 'listing' a property remains.

However, the following are important changes:

Notification - Previously the Act did not require that Council notify the property owner when Council 'listed' a property in the Register. Now the Act requires a Council to notify the property owner within 30 days of listing a property in the Register. While municipalities must meet this requirement, I suggest that an additional notification should be given to the property owner – the meeting when a MHC considers recommending a listing to its Council. This will provide an opportunity to address an owner's concerns about listing prior to being considered by Council.

Content of Listing – While the Act only requires that the content of the listing include a description of the property to determine its location, later in the Act (Section 27 (6) 1.) it states that the notice to the owner that the property has been listed must include "A statement explaining why the Council of the municipality believes the property to be of cultural heritage value or interest." I suggest when recommending listing a property, a statement should be included about the heritage values it meets as established in *Ontario Heritage Act* Regulation 9/06. This statement should also include a qualifier that the property may meet additional heritage values pending further research.

Objection – Under the amended Act, the owner may object to Council's listing of a property in the Register. The owner must specify the reasons for objection and "all relevant facts". Council must then consider whether it wishes to continue to list the property or remove it from the Register. Regardless of the decision, Council must notify the property owner within 90 days of its decision.

Listing remains an important tool in protecting your community's heritage resources. Encourage your Council to make full use of this tool.

Until next time,

Wayne Morgan

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Submitted articles must be in Microsoft Word format. Images must be sent as .jpg attachments in high quality resolution (300 dpi). Do not embed the images in the text of the article. Captions and credits must be provided.

Newspaper articles as updates to MHC activities cannot be used without permission of the newspaper and/or the original author. Text written by the MHC is encouraged.

Articles are published in the language they are received.



Gordon Church
Photograph: Township of North Glengarry

Continued from page 1.

Rev. Gordon's son, Charles Gordon, born at St. Elmo, became a minister himself, serving mostly in western Canada. But he became far better known under the pseudonym Ralph Connor as the author of dozens of

widely-read adventure novels including some set in the St. Elmo area like **The Man from Glengarry** and **Glengarry School Days**. He's not much read today, outside Glengarry, but a century ago, he became Canada's first internationally successful novelist.

Both St. Elmo churches had some good years, but their congregations dwindled around 1900 as fine new churches were built in nearby Maxville. Services ended at the Congregational Church in 1912, and in 1920, the building was sold to the Gordon Church as a hall. The Gordon Church itself hung on until 1947 when it amalgamated with Maxville Presbyterian Church and was opened only a few times a year. Finally, in 2017, local parishioners, not sure what to do with the buildings and unable to support them, gave them to the Presbyterian Church in Canada national office. The national office had no wish to demolish them, but not surprisingly, isn't sure what to do with them either.

The churches' clouded future alarmed the community. The Township's heritage committee called for ideas. The Glengarry Pioneer Museum at nearby Dunvegan, which hosts a number of relocated buildings, was understandably reluctant to take on any others. Conversion to residences is conceivable, but both buildings would have septic bed issues, the Congregation Church has title complications, and the Gordon Church's graveyard laps at its very walls making sale or conversion problematic.

And so they sit, beautiful, historic, landmark buildings, still solid though empty and a little forlorn, waiting. Their problems may well be surmountable, but the road to a happy ending is not yet clear.

Karen Davison Wood and Dane Lancken are members of the Township of North Glengarry's Arts, Culture and Heritage Committee.

WHITE IS BLACK

PAUL R. KING

Who would have thought that “conserved” includes “demolition *in whole or in part*” of a significant built heritage resource. This was, however, the outcome of a recent decision by the Local Planning Appeal Tribunal (LPAT)¹. The case involved an appeal of a proposed Stratford Official Plan Amendment dealing with the Grand Trunk Anchor District in downtown Stratford. This site was a railway hub and it still includes a massive (160,000 square foot) empty industrial building formerly used by the Grand Trunk Railway, later the Canadian National Railway, from 1856 to 1964 to repair steam locomotives². All parties to the

LPAT hearing agreed that this massive locomotive repair facility is a significant built heritage resource, so this was not in dispute in spite of the fact that this property is not designated under the provisions of the *Ontario Heritage Act*.

Under the provisions of the *Planning Act*, any decision of a municipal council is to be consistent with policy statements in the Provincial Policy Statement (PPS). This, of course, applies to Official Plans and any Official Plan amendments. Section 2.6.1 of the PPS states: *Significant built heritage resources and significant cultural heritage landscapes shall be conserved*. The definition of “conserved” in the PPS is:

1 1353837 Ontario Inc. v. Stratford, March 25, 2019. OMB case no. PL160830

2 If you are interested in learning more about the historical importance this site, there is a documentary called Grand Trunk: A City Built On Steam, which is available on TVO. This documentary celebrates Stratford's history as a vital railway hub and the dedicated people who worked there.

...the identification, protection, management and use of build heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation or recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

The recent LPAT determination was that conserving a significant built heritage resource could include complete demolition of that resource. The written LPAT decision does not include any reasoning for this bizarre outcome except to say the following:

The Tribunal does not agree that demolition is the antitheses of conserved as set out in the definition in the PPS. ... sometimes some demolition may be necessary to effect the adaptive reuse of a significant built heritage resource. ... the Tribunal finds that it would not be appropriate to tie the hands of the City with regard to a very important public asset in the downtown of the City.

The problem with this LPAT decision is that the proposed, and LPAT approved, Stratford Official Plan Amendment (as set out below) includes the possibility of complete demolition of the Grand Trunk locomotive repair facility – not just partial demolition:

The Grand Trunk Anchor District contains a significant built heritage resource, known as the Grand Trunk Building. The built heritage resource and associated property shall be subject to the policies of Heritage Conservation in Section 3.5 of this Plan, where appropriate. The City is in the process of determining the future of the Grand Trunk Building which may include rehabilitation, adaptive re-use, partial preservation, conservation, commemoration and /or demolition in whole or in part. Given the significance of the built heritage resource, a Heritage Impact Assessment shall be submit-

ted for any development or permit application in the Grand Trunk Anchor District.

Note that there are other provisions in the Stratford Official Plan that emphasize the importance of heritage resources but, in spite of those provisions, the Official Plan Amendment still contemplates complete demolition of the locomotive repair facility.

I can understand that partial demolition of a significant heritage building may be advisable in order to retain the remainder of the building. For example, when Koerner Hall was added to the rear of the historic Royal Conservatory of Music building on Bloor Street in Toronto, the project involved demolition of a rear portion of the heritage building enclosing a staircase. Demolition of this significant heritage feature of the building was an unfortunate loss but the end result includes a fine restoration of the heritage building plus a stunning concert hall addition. The renovation and restoration of Massey Hall on Shuter Street in Toronto also includes demolition of the rear part of the 1894 building. These cases do not, however, involve complete demolition of the original heritage structures, which is contemplated by the LPAT-approved wording in the Stratford Official Plan Amendment.

My concern is that this LPAT interpretation of “conserved” completely guts the intent of Section 2.6.1 of the PPS. The provision thus becomes toothless so that a municipality can find various reasons to justify demolition. As stated in the LPAT decision: ... *the Tribunal finds that it would not be appropriate to tie the hands of the City.* Hopefully in the near future, an Ontario court will provide a more common sense interpretation of Section 2.6.1 so that once again demolition (i.e. complete destruction of a significant heritage resource) is the antithesis of conserve, and white is no longer black.

Paul R. King is the Chair of Finance for CHO/PCO.

ORIENTATION WORKSHOP FOR MUNICIPAL HERITAGE COMMITTEES

TRACY GAYDA

Heritage Elizabethtown-Kitley organized an orientation workshop for area municipal heritage committees (MHCs) on September 15, 2019 at the Heritage Place Museum in Lyn.

An email blast was sent to surrounding municipalities including Leeds and Grenville. The workshop was attended by 24 registrants plus support, totalling 33 people for the day. Registrations came from as far away as Almonte in the north, Cornwall to the east and Loyalist township in the west.

Presenters of the day's event were Wayne Morgan, CHO/PCO president; Ian Maclean, CHO/PCO board member and Ryan Leary, Heritage Planner, Kingston. Topics included

roles and responsibilities of MHCs, heritage designations both individual and districts and maintaining a Municipal Registry. After lunch the presentation on the history of Kingston's municipal heritage supported the morning's session with examples of Kingston's successes and failures. After the presentations, the speakers were presented with a thank-you gift of chocolate from Mark's Culinary Creations, a local shop.

Lunch was provided as well as muffins and coffee in the morning. Sandwiches, veggies and dessert were provided by The Sweet Life Café, owned by a local township resident. Attendees were able to explore the Heritage Place Museum

during breaks and lunch. This was an excellent opportunity to explore the township's history for those who came from the outlying areas.

All comments to committee members were positive; attendees and speakers enjoyed the day. New MHC members were overwhelmed with the information given but were happy to have a better insight as to what their responsibilities and tasks were. Long-standing committee

members were able to renew and update their roles and knowledge. All were thankful that Wayne provided a copy of his presentation for further review and reflection. The networking opportunity for all to meet other MHC members from the area was invaluable. The event was deemed a success!

Tracy Gayda is a Vice-President of CHO/PCO. Images taken by the author.



Workshop session



Ryan Leary, Wayne Morgan and Ian MacLean

2020 ONTARIO HERITAGE CONFERENCE

REGAN HUTCHESON

Markham is excited and proud to be the host of the 2020 Ontario Heritage Conference set for May 28-30, 2020. With its theme “**2020 Vision – Clarity for a New Decade**”, the conference will help you navigate heritage issues and matters on the near horizon with confidence.

Markham, established in 1794, is committed to preserving its cultural heritage resources. Our motto “Leading While Remembering” reflects our municipality’s vision to be the home of Canada’s new technological industries and at the forefront of innovative community design while at the same time celebrating the legacy of our settlers and those who came before us.

We have developed an extensive heritage conservation program consisting of policies and programs to protect, preserve and enhance our local cultural heritage resources. To implement our objectives, we have in-house heritage professional staff as well as heritage advocates in the form of our Heritage Markham Committee (est. 1975), local heritage organizations, and a supportive community.

Our past work has also been acknowledged having been recognized as the first recipient of both the **Prince of Wales Prize** (Heritage Canada/ Heritage Trust) and the **Ontario Lieutenant Governor’s Heritage Award for Community Leadership** (125,000+).

The Markham Local Organizing Committee (LOC) is currently hard at work developing a comprehensive and exciting conference that will offer exceptional educational, topical and inspirational sessions as well as extensive networking opportunities. A heritage tradeshow is also in the works to showcase the many services and products available to the heritage community. Please review the conference website for more details, at www.ontarioheritageconference.ca.

Mark your calendars. Ask your Council for support to attend. Our heritage and community are yours to enjoy. We want to see you in Markham in 2020.

Regan Hutcheson, MCIP, RPP is Co-Chair of the Markham Local Organizing Committee.

BOARD MEETINGS

CHO/PCO Board of Directors meetings are open to any MHC member. Please contact the Corporate Secretary to confirm each date before attending. Scheduled meetings will be held at 6282 Kingston Road, Scarborough.

BALANCING BETWEEN PROTECTING THE PAST AND SERVING THE FUTURE

MIKE SAWCHUCK

In October 2015, Ajax Town Council held an official key transfer ceremony to celebrate the acquisition of the Quaker Meeting House in Pickering Village, one of the Town's most significant cultural heritage properties (Image 1). Four years removed from this initial celebration, the site is now fully rehabilitated and is enjoying success as a popular community venue that offers modern conveniences housed in a building steeped in history (Image 2).

The Quaker Meeting House was built in 1867 as the venue for the first Independent Yearly Meeting of Friends in Canada. It was built on lands donated by Timothy Rogers, a faithful member of the Religious Society of Friends (commonly known as Quakers) who had made it his life's mission to settle Quaker colonies across the United States and Canada. The building is revered for its architectural design, which is characterized by simple and symmetrical features. However, unlike the traditional single-storey frame meeting houses found elsewhere in the region, this building is unique in that it was constructed of brick and rises a full two storeys in height.

When the Town acquired the building in 2015, there was a long list of deficiencies that needed to be addressed. While some of the repairs related to the building's aging materials, much of the work was required to ensure compliance with the Ontario Building Code and to achieve other targets relating to accessibility and environmental performance. At times, these requirements came into direct conflict with the general principles of heritage conservation. In these cases, heritage staff and the Town's Heritage Advisory Committee (HAC) had to work very closely with other Town departments to land on innovative solutions that could be supported by all parties. The construction of a new enclosed building

entrance and a rear addition posed the most significant threats to the property's heritage value, and as such, they were the most heavily scrutinized by the HAC.

Historic images of the Quaker Meeting House demonstrated that the building existed for many years with no shelter adorning the front entrance. A simple, flat roof porch was added in the early 1960s to provide shelter from the elements and replaced in 2009 with a classically-inspired gable roof porch that matched the simple and symmetrical building design. The plans put forward by the Town originally included replacing the historic wooden front doors with a modern steel and glass assembly and building a roughly 9 m x 4 m brick and glass enclosure with internal division walls (Image 3). This proposal, geared primarily at meeting accessibility and climate control objectives, was viewed by heritage staff and the HAC to result in adverse effects to the building's heritage character. Since the interior floor plan prevented any opportunity to replace the external addition with an interior vestibule, the HAC worked with staff in an attempt to minimize these impacts. The brick cladding on the side walls of the enclosure was replaced with clear glass and the interior walls were removed to maximize views of the historic wall assembly from all directions (Image 4). A custom-built, solid wood door meeting all code requirements was also fabricated to ensure the preservation of the front door's appearance. In turn, the historic front door was restored and reused on the interior of the building.

A rear addition housing a catering kitchen, accessible washrooms, service areas and stairs to the newly excavated full-height basement, was also part of the project. While the original proposal was effective in minimizing the scale of the proposed addition, its general massing and detailing



View of the building at the time of acquisition by the Town of Ajax in 2015
Photograph: Town of Ajax



MP Mark Holland and Town of Ajax Mayor Shaun Collier bring greetings at the Grand Opening of the Quaker Meeting House
Photograph: Mark Holland Facebook Page

were not complimentary to the historic building (Image 5). The original proposal called for red brick cladding to match the historic building, which blurred the separation between the original building and the addition. As an alternative, the HAC recommended the use of a cement-based product used to simulate the appearance of wood (Image 6). The roof treatment was also carefully considered and evolved throughout the design phase. The original plans called for a Dutch gable roof to mimic the main building but this was viewed by the HAC to distract from the uniqueness of the historic roof. A simple gable roof was also viewed to be incompatible, so eventually a hipped roof was designed that maintained simple, straight lines but also complimented the general form of the main roof. It also allowed for the eastern slope of the roof to be extended to accommodate a small covered porch with simple, yet complementary, columns. This small extension of the roof allowed for the addition to take on completely symmetrical proportions that respected the symmetry of the original building. Even features such as windows and doors were shaped to be as complementary

as possible. Instead of square proportions as originally proposed, the windows were elongated to mirror the long, vertical windows of the main building, but then positioned on a horizontal axis to help distinguish between the old and the new.

In the end, cooperation between the HAC and all involved Town departments resulted in an approach to rehabilitation that balanced preservation with the need for modern amenities. The Quaker Meeting House now contains all of the assets required to deliver important services to the local community, yet it still retains the heritage attributes that result in its unique character. If future building needs are addressed with such care and detail, we can be sure that the Quaker Meeting House will be serving the community for many years to come!

Mike Sawchuck is a Senior Planner at the Town of Ajax and the staff liaison to the Ajax Heritage Advisory Committee..



Rendering of the front entrance addition (above) and rear addition (below) as originally proposed
Photograph: AECOM



View of the front entrance addition (above) and rear addition (below) as built in June 2019
Photographs: Town of Ajax

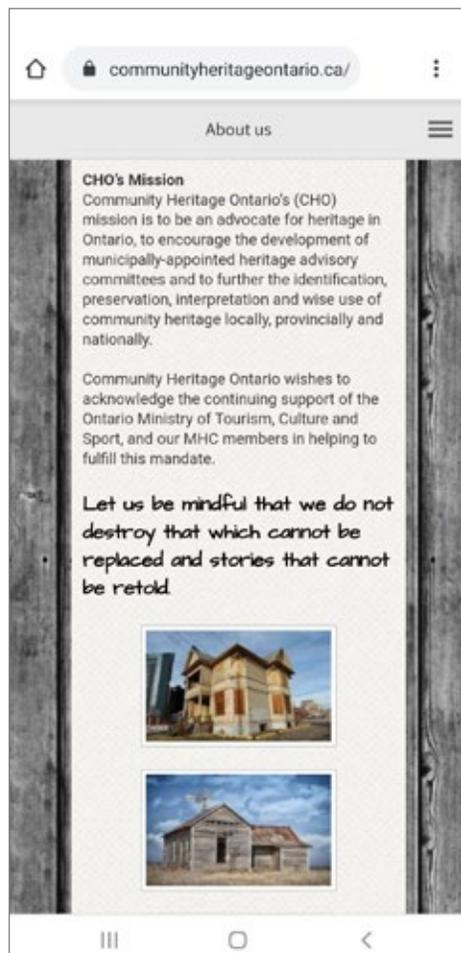


MAKING THE MOST OF YOUR CHO/PCO WEBSITE

GINETTE GUY

Our CHO/PCO website, was recently updated, and it holds a wealth of information for new and returning heritage committee members. We strive to keep the information current and partner with other organizations to offer easy access under one umbrella.

Our **Home** page provides navigation between our central services and highlights our issues and offerings. We often share the Ontario Association of Heritage Professional's current newsletter, and any CHO/PCO comments and statement letters will be focused on that page.



About Us Tab

The **About Us** tab provides a list of our directors along with email information. Our **Calendar** includes dates for MHC hosted events and

workshops, complete with contact information. The annual Ontario Heritage Conference represents a major educational undertaking of CHO/PCO, and the **Conferences** tab will provide the location of the next conference, an RFP for hosting a future conference and contact information for sponsorship. If you have ever thought about hosting a conference, reviewing the RFP is a great place to find all the requirements.

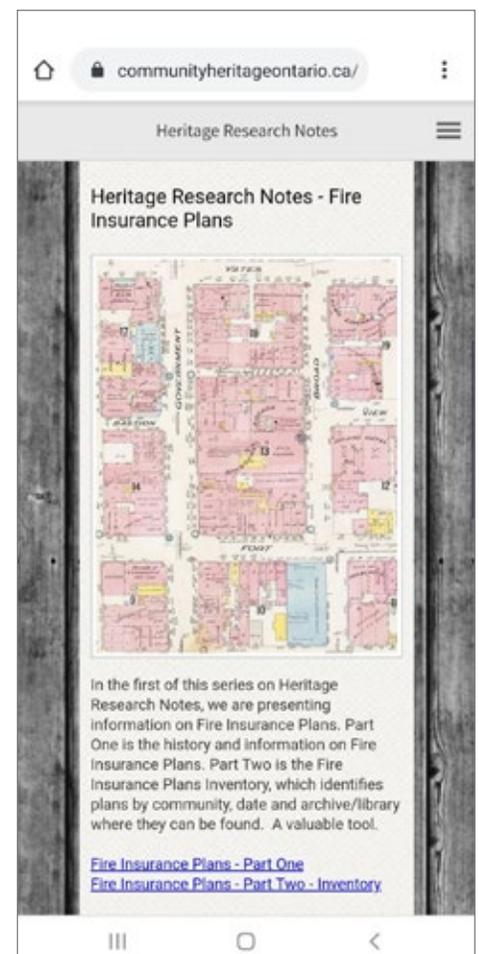


Conferences Tab

Possibly the most informative section is the **Education** tab where you will find videos for sessions recorded at our conferences. You will also find resources for Heritage Conservation Districts, research notes and links to view our webinars. A must for new committee members, the webinars

include an orientation and the *Ontario Heritage Act* Part IV and Part V.

Finally, the **Member Services** section will allow you to become a member or renew your membership online using PayPal. Interested in submitting an article for *CHOnews*? All the requirements are posted under that section. It is also possible to advertise on our website and/or our newsletter.



Education Tab

Our CHO/PCO website www.communityheritageontario.ca should definitely be on your bookmark list! Check back often, as we update content regularly.

Ginette Guy is a Vice-President of CHO/PCO.

NOTEWORTHY

The Government of Ontario has renamed the ministry responsible for heritage and it will now be called **Heritage, Sport, Tourism and Culture Industries**. This change reflects the important role the ministry plays in preserving and protecting the heritage of the province while celebrating our diverse cultures through support for festivals, sporting events, communities and people. This new name also reflects the importance of our industries in driving economic impact in the province. Minister Lisa MacLeod was sworn in as Minister of Heritage, Sport, Tourism and Culture Industries on October 22, 2019.

Community Heritage Ontario will continue to work this Ministry to provide support to MHCs and the public in promoting Ontario's heritage and is pleased to see the recognition of the province's heritage sector as a driving force in today's economy and sustainable communities.

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Book your workshop now for fall 2019 or winter 2020

#1 Orientation for New MHC Members

To assist:

- New Municipal Heritage Committee (MHC) members
 - As a refresher
- To help all members understanding the Ontario Heritage Act changes

Scope of Session:

- Council/staff relations
- Public outreach/education
- Listing on the Municipal Heritage Register
 - Designation under Part IV of the OHA
- Alteration & Demolition to a Part IV Designated Property

#2 Property Evaluation for Heritage Designation

Scope of Session:

- Background
 - Researching the cultural heritage values of properties,
 - Evaluating the values of those properties against criteria for designation, and
 - Preparing a designation by-law based on that evaluation and research

Or request a custom session based on your needs

Invite municipal heritage committee members and interested municipal staff of neighbouring municipalities to the workshop

Contact us



Please contact us to find out booking requirements, availability and to reserve your date!

Community Heritage Ontario

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Program Officer

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CHOnews DEADLINES

MARCH 10

JUNE 10

OCTOBER 10

DECEMBER 10

ARTICLE SUBMISSIONS ALWAYS WELCOME.



AND WHITE IS BLACK?

DAN SCHNEIDER

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.¹

Is it okay to demolish a significant building within a heritage conservation district?

A July 4 decision of the LPAT approved a low-rise condo development in the South Rosedale Heritage Conservation District (HCD) in Toronto: "A new four storey, 26 unit building will supplant three mid-century houses on the site, known as 5, 7 and 9 Dale Avenue, located on the edge of the Rosedale ravine."²

The main issue in the case was whether demolition of the three houses could proceed, clearing the way for OP and zoning by-law amendments. Was the razing of the houses consistent with the "shall be conserved" policy in the PPS?

The developer wanted the buildings gone, the residents association wanted them saved, and the city... well, first it looked like it would say no, but finally, after much negotiation and reworking of the development proposal, it came around to endorsing the project, subject to a number of conditions. This left the South Rosedale Residents Association (SRRA) to oppose the redevelopment at the LPAT hearing.

South Rosedale was designated and its HCD plan adopted in 2003, before the 2005 changes to the OHA. The plan's guidelines, while not binding, provide guidance to decision-makers and the LPAT accorded them that status in reaching its decision.

Unusually, the district plan uses an A-B-C rating regime to score the significance of properties in the district. "A" properties have actual or potential national or provincial significance; "B" properties have local significance, and

those rated "C" contribute to the heritage character and context of the neighbourhood. Properties that are unrated do not contribute to the district's heritage character.

The Dale Avenue houses were given a "C" rating. On demolition, the plan says that demolition of "C" buildings "is generally considered appropriate only if the proposed replacement building... is equally able or more able to contribute to the heritage character of the district and is acceptable under these guidelines and the zoning by-law." (Emphasis added.) For "As" and "Bs", however, demolition "is to be vigorously opposed..."

As it turns out, one of the properties, 7 Dale Avenue, is more significant than first appeared. Evidence at the hearing revealed that the house, constructed in 1944-45, was designed by award-winning Toronto architect Gordon Sinclair Adamson and that the landscaping was the work of prominent landscape architects Dunington-Grubb and Stenesson. The SRRA argued that 7 Dale would handily satisfy the Reg. 9/06 criteria for individual designation under the OHA and should in fact be rated a "B" not a "C" in the district plan.

How then did the LPAT square its decision to approve the development and consequent loss of the Dale Avenue buildings with the PPS direction that significant built heritage resources be conserved?

For starters, it appears the Tribunal was not impressed by their significance: "On the Tribunal's perception of the evidence, the existing structures have characteristics of middling interest for which there are limited grounds of value and minimal motivation to preserve."³

This opened the door to a novel interpretation of what it

1 Provincial Policy Statement policy 2.6.1

2 Dale Inc. and Dale II Inc. v. City of Toronto, July 4, 2019. LPAT case no. PL171267. See www.omb.gov.on.ca/e-decisions/pl171267-jul-04-2019.doc

3 Ibid.



A partial plan of South Rosedale showing the three properties in question

meant to “conserve” the cultural heritage resources here (and what exactly they were). The Tribunal noted the history of the site, which had had a large Victorian house overlooking the ravine. The original property had later been subdivided, the building demolished, and the current houses built in the mid-twentieth century.

*It is thus conceivable to view the present development proposal as a character of return to the heritage of the Property in having the severed land segments reunited as a single parcel of land accommodating a significant residential structure. In a long view, the Property has a heritage of being a bold promontory overlooking the valley below, accommodating a structure of physical presence. In this sense, the demolition of the existing unremarkable buildings (demolition of residential buildings also being part of the history of the Property) in favour of a remarkable building can arguably be treated as more true to the heritage of the Property. **The conservation of the Property is fulfilled by restoring a physical presence that is commensurate with the geographic attributes of the Property at the top of the valley.** (Emphasis added.)⁴*

The Tribunal was clearly impressed with the design for the new, replacement structure by Hariri Pontarini Architects and that it would, in the words of the plan, be “equally able or more able to contribute to the heritage character of the district”.

A strong argument can be made that this case was wrongly decided. If the house at 7 Dale Avenue is indeed a significant heritage resource, then, according to

provincial planning policy, it should be conserved. Granted, “conserved” might mean different things and doesn’t necessarily require full preservation. But allowing the house to be torn down and replaced by a new apartment building of “physical presence” — supposedly harking back to a very different long-gone structure — seems an overly inventive interpretation of “conserved”, even a kooky one. The LPAT seems to have misconstrued the cultural heritage values at stake here.

No doubt the Tribunal was reluctant to gainsay the municipality and overturn the city’s hard-won approval for the project.

...[T]he Tribunal accepts that City Council, as the authorized decision maker under the OHA, considered the evidence put before it and, despite mixed opinions placed before it, made the heritage value judgments which they are authorized to make. These judgments led them to authorize the demolition of the existing buildings on the Property and to authorize the proposed apartment building as fulfilling the objectives of the HCD Study and the applicable planning instruments.⁵

Had the city opposed the project, the outcome might well have been different.

The case might also be seen as a cautionary tale about the pitfalls of rating schemes.

Dan Schneider is a professional heritage consultant. He blogs on the OHA and heritage policy at uwaterloo.ca/heritage-resources-centre/blog. Images from the City of Toronto

4 Ibid.

5 Ibid.



7 Dale Avenue, main entrance



Perspective view of the proposed condo building from Dale Avenue

NEWS FROM THE BOARD OF DIRECTORS

RICK SCHOFIELD

The CHO/PCO Board of Directors held its Fall meeting on September 22, 2019 in Scarborough in the designated heritage building now serving as the Scarborough Archives.

CHO/PCO President Wayne Morgan reported that he had met with the well-organized Markham 2020 Conference Committee, presented a modified orientation workshop in Kitley and prepared a similar workshop for Ajax. A Designation workshop is also planned for Gravenhurst.

The Corporate Secretary/Treasurer reported that 2018 membership totalled 955 individuals working on behalf of 114 MHCs and that 107 MHCs had renewed for the current year. Financially, all Board expenses, CHOnews, administration costs etc. had been paid and surplus funds from the conference were received. However, budgeting has been a challenge as CHO/PCO has not yet received its annual Provincial Operating Grant.

The Conference Committee, under the leadership of Ginette Guy, was working with Markham in preparation for the 2020 Ontario Heritage Conference. The venue has been

set, HCDs in Markham will be featured, dinner will be held at the Angus-Glen Golf & Country Club and the theme is "2020 Vision – Clarity for a New Decade". Information continues to be added to the conference website. The committee had also received a future conference proposal from Sarnia plus there are potential proposals from Belleville/Prince Edward County, Brockville and London.

The Communications Committee continues to monitor the website, with 1684 unique visitors, as well as updating information on Facebook and Twitter.

Ginette Guy, who is now also serving as Program Officer, has assisted in coordinating the workshops and has been investigating several webinar hosts to begin CHO/PCO's future webinars.

Finally, the Board reviewed and made amendments to the organization's Business and Strategic Plans for 2021-2025.

Rick Schofield is the Corporate Secretary/Treasurer of CHO/PCO.

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CHO/PCO MISSION STATEMENT

To encourage the development of municipally appointed heritage advisory committees and to further the identification, preservation, interpretation, and wise use of community heritage locally, provincially, and nationally.