

**Ministry of Tourism,
Culture and Recreation**

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Conservation Review Board

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**Ministère du Tourisme,
de la Culture et des Loisirs**

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Commission des

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**RE: TOWN OF NEWMARKET INTENTION TO DESIGNATE
ST. PAUL'S ANGLICAN CHURCH, 439 D'ARCY STREET,
NEWMARKET, ONTARIO**

James Anderson, Member
Heather Broadbent, Vice-Chairman

28 June 1993

Hearing pursuant to Section 29(8) of the Ontario Heritage Act R.S.O. 1990 Ch. O.18 for the purpose of reporting to the Council of the Town of Newmarket whether, in the opinion of the Board the building known as St. Paul's Anglican Church, Newmarket, should be designated under Part IV of the said Act for historical and architectural reasons.

Susan Plamondon, Municipal Solicitor, Town of Newmarket
Michael Bowman, Solicitor, Osler, Hoskin & Harcourt for the
Anglican Diocese of Toronto
Kathryn Anderson, Historian, Member of Newmarket LACAC
Thomas Fletcher, Church Warden
Floyd Hales, Church Member, former Church Warden
David Lehman, A-D Structural Engineering Ltd.
The Reverend Canon Donald R. Bone, Director of Planning &
Development, The Diocese of Toronto
John Blatherwick, Architect
Wayne Morgan, Chairman, Newmarket LACAC
James Rhodes, Retired Anglican Minister
Reverend Wayne Carney, Associate Priest, St. Paul's Church
Philip Claxton, Manager, Data Centre, Globe & Mail
Colleen Keats, Claims Manager, Cooperators Insurance Co.
Brita Mickleburgh, retired schoolteacher
Peter Oliver, lawyer
Stanley Causer, retired
Robert Booth, Consultant Structural Engineer
Ian Kenneth Woods, Chartered Surveyor

The Board attended at Newmarket Recreation Complex Lounge, 100 Eagle Street West, Newmarket, on Monday June 28, 1993.

A public hearing was conducted in order to determine whether the property at 439 D'Arcy Street, known as St. Paul's Anglican Church, should be designated as being of historic and architectural value and interest. As is its custom, the Board had viewed the exterior of the structure before the hearing.

It was acknowledged by all parties that the Incorporated Synod of the Diocese of Toronto is the registered owner of the property and the adjoining Rectory which had also originally been recommended for designation but which was subsequently withdrawn.

It should be noted that certified copies of ownership were not submitted. Evidence was produced that all procedures stipulated by the statute had been complied with (list of Exhibits is attached as Appendix I).

Ms. Susan Plamondon, Municipal Solicitor, presented the Town of Newmarket's position assuring the Board that although Council had not yet taken a final position on the heritage designation it was anxiously awaiting the Board's decision.

There was a discussion about the size of the parcels of land that made up the church site, the Rectory, the Church Hall and its various additions.

SWORN EVIDENCE FOR THE TOWN OF NEWMARKET'S CASE:

The first witness for the Town was Kathryn Anderson. Ms. Anderson, a member of Newmarket LACAC since 1989, has degrees in Art History & History and is presently a Preservation Officer for the Toronto Historical Board. She lives in Newmarket. Ms. Anderson's architectural and historical report on the building was presented as an Exhibit and with the assistance of slides she gave a detailed history of the Anglican Church in the context of religion in the York (Toronto) area and Newmarket in particular from the settlement period. The witness said that the Anglicans were the last major group to construct a church in the area.

The first building was built in 1834, improved in 1854, and demolished in 1883 when the cornerstone of the present church was laid in 1884. The principal construction material is limestone from the Lake Couchiching area. The architect was Marshall B. Aylesworth (1850-1911). Mr. Aylesworth was born in Northumberland County, Ontario, trained in architectural draughtsmanship in Toronto from 1878 to 1880 and then moved to Collingwood. Apart from several churches, Aylesworth designed other private and public buildings, including a hospital. In the 1880's Aylesworth designed several buildings in the Victorian Gothic Revival style. This was illustrated in other churches and residential buildings as well as the subject building which is distinguished by the side placement of its dominant tower.

Miss Rosemund Mulock, sister of Sir William Mulock, laid the cornerstone in June and the building was completed in September 1884. At this time the organ, made by Edward Lye and purchased by her mother for the first church, was relocated to the new building.

Ms. Anderson related details of installations in the building during the 1880's including a series of stained glass windows by the firm of Robert McCausland Limited of Toronto.

St. Paul's was consecrated in June 1921 after the debts were paid and in 1929 the redecoration of the interior which included vault stencilling and inscriptions was undertaken. Later that year the new parish hall and a chapel were added. In 1930 structural repairs were undertaken including the top of the tower which was lowered about five feet. In 1958 a stone narthex was added to the west and became the new entrance. Ms. Anderson's report contained a detailed architectural report of the building.

Ms. Anderson stated that no other Newmarket Church was like St. Paul's and in answer to a question about the Rectory stated that the building had originally been included but Council had

not followed through on that recommendation. In the opinion of the witness it was worthy and it would have been appropriate to include it. Both the Church and Rectory were part of the historic streetscape.

During cross-examination the witness disagreed that she was not looking at this building objectively as she was, from her education and employment, an advocate of old buildings. Ms. Anderson said that only buildings that meet the grade are considered significant. The fact that it was not the first Anglican Church at the site did not mean it was historically and architecturally insignificant. Ms. Anderson agreed that the Rectory was not before the Board on this occasion. In answer to other questions the witness stated that the narthex was compatible and it was not out of keeping for it to be included in the designation. The architect was comparatively well known even though no books had been written about him. There were also questions about other buildings by this architect. Ms. Anderson said that the Newmarket LACAC had in the past focused on other buildings that were more urgent and had not concentrated on St. Paul's until they were informed of the threat to its future. The witness, in answer to further questions from Town Counsel, confirmed that in her opinion the various architectural elements made up the significance of the whole and should stay together.

A second witness for Newmarket, Floyd Hales, stated that he had been a member of the Church for 33 years and lived about a quarter of a mile from the building. Mr. Hales listed his years of involvement with the church and the Diocese and noted that his wife had had a life-long association with the building. This witness detailed his distress at finding the building declared unsafe one Sunday morning when he arrived for the 8:00 a.m. service and described how privileged he felt to have been able to worship in such a sanctuary in the past. He expressed an opinion that "long words" had been used in a report to insult the building and noted that the roof deficiencies mentioned were not in the church but in the later Hall. He said that there had been heavy snow falls since the condemnation of the building but the roof was still intact. The witness described how a fundraising campaign was started to raise \$55,000 for immediate repairs and \$67,000 was pledged by parishioners and non-Anglicans in three weeks for this and the restoration but the Diocese did not accept the contributions.

Mr. Hales expressed the opinion that many of the parishioners still wished to worship in the building and he said he and his wife, and her family before her, had worshipped in it and served the church. He said the building was beautiful and knew of no other that was as attractive. Under cross-examination the witness described his service as a former Church, Rector and Peoples Warden and agreed that the "owners" of the building are the Incumbent and the Church Wardens and further described the operation of the building, maintenance and care of finances. Mr. Hales explained the elections and appointments to positions of authority within Anglican churches.

The witness agreed that it was up to the Wardens to speak on behalf of and make decisions with the best interests of the congregation in mind. In reference to the report of a structural engineer, Mr. Hales said he did not think the church was unsafe and he would not be afraid to use it but agreed that he was not an engineer. Mr. Hales also explained how the first \$5,000 of the pledged money would be used to ensure the safety of the building (the remainder will be used for other items). He did not know if the building would then comply with the building code.

SWORN EVIDENCE FOR THE OBJECTOR'S CASE:

The first witness for the Church and Diocese was David Lehman, P.Eng., M.A.Sc., President of A-D Structural Engineering Ltd. Mr. Lehman gave a lengthy explanation of the structural report that he had prepared for the Wardens following an earlier report on the Tower. Mr. Lehman was asked

by Church representatives in September 1992 to prepare a proposal for a complete structural survey of the worship portion of the church complex. The proposal was accepted and A-D Structural Engineering Ltd. proceeded with the investigation. The initial concerns included the continuing deterioration of the tower, the stability and type of construction of load-bearing stone walls and evidence of deterioration of buttresses. The portions of the building included in the survey were the tower, chancel, vestry, sacristy, nave, narthex, vestibule and basement.

The witness described how the survey was conducted (how investigations and measurements were taken); whether the building was in compliance with the Building Code; and what the cost estimates for repairs were. He described the problems with the Tower and its poor condition but stated that collapse was not imminent. Mr. Lehman described the various problems that he located as well as the methods of construction. The walls, for example, are limestone exteriors of various thicknesses with a rubble fill. There was a discussion on the function of the buttresses and whether they might be partially or fully cosmetic. The Tower was in poor condition at the top although a portion had been removed in the past. The witness also described short term and long term restoration and in answer to a question about the Ontario Building Code stated it would only apply to additions and the extension.

There was also discussion about the tie rods with three inch diameter washers and whether they were sufficient for snow load. Under cross-examination the witness agreed that none of the items presented major safety concerns and that most of the problems were caused by neglect. The present Tower deterioration had been created by inappropriate capping after it was shortened. In a discussion about cost of repairs and scheduling, Mr. Lehman indicated that in his opinion the work could be done and although the tie rod washers seemed small they were not overstressed and the work could be phased.

The next witness was Thomas Fletcher who has been a Church Warden since 1991 and a member of the congregation since 1982. Mr. Fletcher explained the roles and responsibilities of the two Wardens as trustees, together with the Incumbent, of the building. He also said that the needs of the parish are key and that need does not include the subject building. Mr. Fletcher then commented on previously estimated costs to rehabilitate the building.

In answer to questions the witness stated that the Anglican Church in Newmarket should not be a religious enclave but should reach out to the community. He felt that the present location with its difficult parking and poor visibility was handicapping the church in its expansion plans. After looking at growth plans the Incumbent and the Wardens looked at the existing structure and as a result of Mr. Lehman's report and the question of public liability, the complex was vacated and the Vestry made the decision to move to a more visible site.

Mr. Fletcher said that the designation seemed to be a ploy to delay and was wasting everyone's time. He said that those responsible were very sensitive to the church artifacts but that they could be relocated. He discussed the various community activities that the congregation supported and said they could continue and be expanded in a new centre. The resources of the group were limited and must be used to the greatest advantage and they were not prepared to pledge funds to rehabilitate a building that no longer suited the needs of the congregation. The Board was reminded that the Church could ask for a demolition permit and eventually it had to be granted. The Diocese had made no decisions about the future use of the building and the Board was asked not to recommend designation and to allow St. Paul's to get on with its future.

In cross-examination the witness elaborated on the roles and responsibilities and structure of the management committee of St. Paul's. He does not feel that St. Paul's is unique.

Mr. Fletcher disagreed that the Church had been well maintained but concurred that Ms. Anderson's history was correct. He said the parking space was a five minute walk from the Church.

When questioned about other Newmarket Churches that had successfully restored their places of worship in their original location the witness said that their visibility had made that a practical decision. He also mentioned a concern expressed about the church complex in the mid-1980's when the buildings were studied with thought to reworking the space. In answer to a question from the Board Mr. Fletcher said he did not know if the Church congregation was growing.

The next witness, The Reverend Canon Donald R. Bone, Director of Planning and Development, described his role and responsibilities with the Anglican Diocese of Toronto and his thirty years of service starting in May 1963 as an Assistant Curate at St. Mary's Anglican Church, Richmond Hill. He described the Diocese which encompasses approximately 11,000 square miles (bigger than Vermont). Of the 218 churches in the Diocese, 123 were built in the 19th century. There are 300 clergy and one third of the population of Ontario lives within the Diocese boundaries. It is also the area with the most growth. Although the population has doubled in thirty years in the Diocese, weekly attendance is down forty-five per cent; Sunday School has dropped fifty per cent and envelope offerings are down one-third. The most stable parishes are the ones with an older, established population. Canon Bone explained why the Diocese anticipated that the Newmarket area would expand. This assumption relates to its location in a quadrangle of transportation corridors. Before the decision was made to relocate, St. Paul's was inexplicably one of the few showing evidence of a decline in population. In answer to a question about whether the Anglican Church had regard for its history, the witness said it did regard Church history with sensitivity but not as an anchor calling it back. The Canon related the ways that the Diocese had handled relocation and adaption of several congregations and worship centres throughout the area. He said that St. Paul's is no more unique than any of the others.

In an explanation about important church artifacts the Canon said they were not abandoned but relocated to new churches and gave several instances where this had occurred. In answer to a question about St. Paul's, Canon Bone stated that the Diocese does not intend to contribute to the restoration of St. Paul's. He said there were problems with heritage designation and he believes the real issues were Anglican history and tradition, scripture and reason and a place to gather for worship. St. Paul's was no longer the right place. It was time to move on.

Under cross-examination the Canon discussed the similarities in architecture between St. Paul's and other historic churches in the Diocese and how artifacts are distributed when a church is sold or dismantled. He thought St. Paul's windows were not especially significant and was uncertain about the importance of the architect.

In answer to a question about how donations could be accepted for Church restoration Canon Bone said that would be a Vestry decision.

He felt that the decline in attendance at St. Paul's was created by a number of factors. The lack of visibility, location away from the centre of the community and too much attachment to the past rather than a desire to grow. He agreed that other Newmarket churches were not all central but were in better locations. In answer to a question from the Board, Canon Bone agreed a good public relations exercise might help the situation.

There will be some older churches that will survive but many will disappear. There had also been some interest from other denominations for the site though not necessarily for all the buildings. In answer to a question about the consecration and dedication of a church and the religious significance of such action, the witness said it was also possible to deconsecrate. The churches that had been abandoned by the Diocese had all been sold for other uses. He did however feel that if St. Paul's was Designated it would handicap future sale opportunities.

The next witness was John Blatherwick, an architect, dealing with a variety of church buildings since appointment as Diocese Architect in 1981.

He discussed the phases and fashions of church architecture in Ontario and although he was not too familiar with the work of Marshall Aylesworth, felt the building was typical of its period and not unique. This church had been added to in an irregular pattern with floors at as many as six different levels. The side tower was not unusual and stone was a fashionable material at the time of construction. Mr. Blatherwick also described how the building was shielded and hidden by its position on the street by the Rectory and heavy vegetation. He felt it was in an inappropriate place across the street from the swimming pool. The witness described the building as pleasant, not unique or especially significant, but nicely composed.

In an estimate of costs of repair he quoted figures for specific repairs which totalled more than \$1,100,000 (one million, one hundred thousand).

He did not feel the building was so valuable that it warranted such expenditure, that it was a tremendous price to pay and the Diocese does not have that sort of money. Under cross-examination Mr. Blatherwick agreed some of the Church examples he had illustrated in fact had corner towers rather than a side tower. He also agreed that Anglican architecture was discernible from other denominations and therefore it was part of Anglican Church heritage and that the slides showed vegetation hiding the Church. The building was not in a good state of repair. In answer to a question from the Board, confirmed by the Incumbent, Mr. Blatherwick said that the Diocese had no knowledge of burials on the site.

MEMBERS OF THE PUBLIC FOR THE TOWN OF NEWMARKET:

Wayne Morgan was the next witness. Mr. Morgan, the Chairman of Newmarket LACAC, in a brief description of the sites recommended for designation in the Town, described St. Paul's as being of historical significance. He emphasized the sincerity of the LACAC in supporting a designation of such an important building.

Mr. Morgan noted that high visibility was no guarantee of growth.

James Rhodes, a retired Anglican Clergyman and former Incumbent at St. Paul's took the stand. Canon Rhodes described the condition of the Church after World War Two and the work that had to be undertaken to bring it back from a very vegetated state. After the loss of the top of the tower it received a temporary wooden cap and then the cement. Canon Rhodes said that the buttresses were not part of the building's support system. This was discovered thirty years ago when a wall was removed.

The witness described how the stone walls had been built in a classic system and pointed out that the wooden strips in the interior walls are to hold plaster. He also described some interior alterations which allowed for extra seating. He said St. Paul's was never full to capacity and the Davis Drive location had less attendance. Canon Rhodes described himself as a loyal supporter of the Church and his great concern was that it may be deconsecrated. In reference to the Hall part of

the St. Paul's complex, Canon Rhodes described it as a memorial to those people of the parish who died in the 1914-1918 War. In conclusion, the witness said that he and the supporters of the Church felt that it could be repaired and restored.

Phil Claxton said he was not very happy about the new facility and felt it was only the Diocese that wants the congregation to go there and that the people did not wish to go. They did not want Toronto environs to grow in their area. He felt the building deserved some respect and the congregation had functioned quite well at that location.

Mr. Claxton was followed by Colleen Keats who discussed contacting members of the congregation and found that 88% of the people she reached were not happy about leaving the church for another location. In Ms. Keat's opinion the Diocese should be more receptive to the needs and wishes of the congregation. The witness pointed out that seniors' residences are nearby and discussed how St. Paul's had been paid for in the first place and that most of the church furnishings had come from parishioners or they had provided the wood and the site. The witness suggested an elevator would move people more freely between levels.

Brita Mickleburgh described herself as a resident rather than a member of the congregation but felt the building should be retained for the continued enjoyment of a vital community. The witness also said that the area was a centre of town life and described the activities which occur in the immediate neighbourhood. Ms. Mickleburgh went on to say that no other structure could adequately replace the existing one.

Peter Oliver described himself as a mediocre Anglican, fair Christian and a good lawyer. He said Newmarket would be impoverished without its historic buildings and included St. Paul's in his list of three important structures.

Stanley Causer expressed an opinion that the Church did not have poor visibility and noted that the local Presbyterian Church was expanding and had made all the decisions in a very open way by communicating across Canada with all present and previous parishioners, unlike the way the closing of St. Paul's had occurred.

The Town then introduced a consulting structural engineer, Robert Booth, B.A.Sc., M.E.I.C., F.C.S.C.E., P.Eng., who described a lifetime of work in this field. Mr. Booth had reviewed the Lehman report and had visited the building. He had used the report in his analysis and commented that the top of the tower did seem to be unstable. In his opinion there was very little sign of structural distress to the interior. The plaster work was in pristine condition except for sills and a hairline crack. Mr. Booth then described his visual evaluation of the building and review of the other report. He did not think the buttresses were part of the structural system as the roof framing and tie rod system of construction with the walls taking the weight probably made them superfluous. He noted no visual roof problems and no distortion of washers and said that rubble-filled walls were to be expected in this type of construction. He noted no bulging of walls and there was no justification whatever for suggesting walls would have to be taken down and reconstructed. The witness suggested as there was no sign of stress that the walls be left alone.

Under cross-examination Mr. Booth stated that he did not disagree with Mr. Lehman's observations on structural condition but the building needs maintenance and there had not been enough observation openings for a comprehensive report. He accepted all of the report findings

but interpreted them in a different way. Mr. Booth said he had been hired by the Chairman of the Committee for the Preservation of St. Paul's. He agreed there were certain limitations to his evidence as he had to base it on the Lehman report which had been circulated to him with the author's permission. He had also seen the photographs but would have to see a great deal more before firm conclusions could be made about the amount of restoration required. Mr. Booth listed those parts of the building he viewed in his two hour visit and stated that it was important to point out that neither Lehman nor he had said St. Paul's was structurally unsound and that no engineer would certify this one way or another.

The next witness was Ian Kenneth Woods, a Chartered Surveyor who listed a large number of ecclesiastical buildings that he had evaluated in the past. Mr. Woods had also reviewed the Lehman report and concurred with some of the findings. In addition the witness noted that dry stone wall interiors will settle, that incompatible materials had been used in previous repairs to the church and that the buttresses were an addition and although not merely cosmetic were unlikely to bear any thrust. Mr. Woods commented in his evidence about certain regulations that require that ecclesiastical buildings be maintained. He also stated that he noticed nothing to indicate that the worship space was unsafe and offered a breakdown of renovation/restoration costs noting that costs escalate as neglect continues.

Under cross-examination, Mr. Woods said he did not disagree with the Lehman report but felt that a more thorough analysis should have been undertaken and that he had considered other items. Asked if he had a bias towards preservation, the witness said that there was inappropriate construction in every age and some was not worthy of preservation. He had not made any test holes as he had not had permission. Mr. Woods said a full survey would take at least a week and that he had a number of questions which were not answered by the Lehman report.

MEMBERS OF THE PUBLIC FOR THE OBJECTOR:

The Associate priest of St. Paul's, Wayne Carney, said that the Christian Church is dedicated to Jesus Christ not to a building. He said that outside groups, particularly the LACAC and the Council of Newmarket, were telling the congregation where and when they could worship. The Church community must grow and expand beyond the year 2000. It was not appropriate to have it stay frozen in the past.

SUMMATION BY OBJECTOR:

The Diocese, in its summation by Michael Bowman, discussed the physical condition of the building and the plans of the Trustees for the congregation. The Board was warned of the possible impact of its decision. Counsel suggested that historical significance and architectural value and interest were unproven and explained why the Board should not recommend designation. The delay of LACAC to make a recommendation for at least seven years was also discussed and the suggestion was made that the committee was used by the dissident faction to become involved in what was basically a family matter. The Board was warned that if it recommended designation and the Town of Newmarket followed through, then it would be defeating its own objective because of the encumbrances that the Church felt went along with designation. The age of the building was described as not a necessary criteria for recognition and the attributed historical value and interest might apply to any building. The Board was reminded that designation does not compel owners to repair or maintain property and that the structure may not be worth the cost of rehabilitation.

The Diocese realizes there is an emotional attachment to the building. The recommendation of Counsel was that the Board should ignore the conclusion of Booth and Woods since, in spite of their qualifications, they did not do any testing and therefore there were limitations to their evidence. Mr. Lehman's analysis was the only one that should be considered. The building has not been used since his report was received. It would appear from the report and subsequent evidence that \$60,000 was the very least that could be spent and it would be a Vestry decision. They have indicated that they are not prepared to spend that amount of money not because they dislike the building but because it does not provide the opportunity for the Church community to grow due to the site, its lack of visibility, safety factors and dysfunctional construction.

Mr. Bowman reminded the Board that the Anglican Church is a living entity. If the community was going to grow, Vestry had determined that it would be away from this site. Counsel then summarized the previous evidence on whether St. Paul's was unique and of value or interest. Counsel also summarized the reasons given by some witnesses for determining that it was not unique and of value or interest.

It was pointed out to the Board that this was not the original Church and the site was a patchwork of subsequent additions. Evidence had been given that it was not of sufficient value or interest to designate and that such recognition would complicate the sale of the site. The Diocese might have no alternative but to apply for demolition as no one would want the lot with the encumbrance. The Board should not recommend such recognition.

SUMMATION FOR THE TOWN OF NEWMARKET:

Susan Plamondon then summarized the Town's position. Newmarket had not advocated the designation but needed the Board's decision for a fair and appropriate decision. The hearing had heard from a significant number of people about how they felt about the building and there had been some reports about its significance and opinions about its condition. There had also been some disagreement about condition and whether there were serious deficiencies. While there is an interest in old styles, the reality is that it is highly unlikely that anyone will ever build another. It is not enough to say it is similar to those of the same era and the Board was asked to advise the Town on the significance of the building to Newmarket. Counsel stated that there were problems with the church but nothing was beyond repair and declaring it unsafe was premature. Ms. Plamondon said that fearing that certain things might happen was unfounded and that just because the building was old did not mean that it was going to fall apart or collapse but any risk is too great and some items, such as the tower, must be addressed. In reference to the engineering report, Counsel pointed out that although earlier construction methods might not meet today's codes, there was no physical evidence that they are not working. Ms. Plamondon also pointed out that Ms. Anderson's heritage report on the building was not challenged and that regrettably there was no way to compel owners to restore a building.

The Board was reminded that it must determine whether the building is significant or not. There was no evidence that the site was not marketable or that the Town of Newmarket would not deal fairly with any application to alter the building or its additions if it was designated. The conclusion that nothing can be done to a designated building is incorrect and any application for a site would require site planning control and building permits.

Counsel for Newmarket concluded by saying that St. Paul's is an important building on an important site by an important architect, with important windows and that it is historically significant in Newmarket, the place in which it is found.

FINDINGS

The Church building known as St. Paul's Anglican Church, Newmarket, has not received consistent care and attention in its approximately 110 year history. Attempts at renovation were performed in the past by persons unskilled in historic preservation techniques. The Anglican Diocese of Toronto, while justifiably concerned about some building code and safety features of the Church, had already acknowledged that the building was not centrally located and would not be large enough if attempts to increase the congregation were successful. The Diocese, in conjunction with the Incumbent and Wardens, took into account the estimate of cost of repairs (which may or may not be inflated in today's economy) and decided a newer facility would be more appropriate for the Anglican community of Newmarket. With little notice to the congregation, the Church was closed and relocated (on a seemingly temporary basis) to another building and then to empty commercial space. There was no second opinion for such drastic action.

The vacated building is one of several designed by an architect of some prominence in Ontario, Marshall B. Aylesworth. The principal method of construction was stone with the core of the walls filled with masonry rubble. The buttresses, which the Board observed during its inspection appear to be largely decorative and none of the expert witnesses could confirm whether they were entirely supportive of the structure or merely decorative elements. The Board heard evidence that the building's walls were in a deteriorated state but also heard contradictory evidence on whether the walls were beyond repair or whether the costs would be exorbitant.

The principal structural witness for the Church would not confirm that the building was beyond reasonable repair and was dangerous apart from the top of the tower which was incorrectly capped after alteration.

The Board learned that there had been considerable effort by members of the congregation to raise funds for restoration but it had not been accepted by Vestry and the Archdiocese because the decision to relocate had already been taken. The Board also learned that there was considerable dissension from several members of the congregation about the move.

The historical and architectural significance of the building was contained in a very comprehensive report submitted by the Town and was not challenged by the Diocese. On several occasions the Board was reminded that only the church was the subject of the hearing and not the church house and the three additions, one of which is a memorial hall. While the earliest of the additions and indeed the church might not meet building code regulations for a new building they were not required in a structure which predated the code. The Board noticed inappropriate storage and discarded material around the outside of the building which probably constitute a fire or safety hazard. The Board also noted that all buildings evolve and the hall and narthex additions of St. Paul's were the type of changes that would be anticipated in a building.

It also noted that most of the problems with the structure were the result of long term neglect or inappropriate repointing in the past. It was apparent that communication between all parties had been largely adversarial prior to the hearing.

During the course of one of the longest and best attended one-day hearings held by the Conservation Review Board, a great deal of evidence was heard, including the contradictory state of the structural information and in some cases information irrelevant to the reasons for designation. It also became apparent that the cost of renovation and restoration would be less than the cost of a new structure and this did not include the land costs.

Further to the subject of costs for restoration and renovation, the Board believes that estimates were inflated to suggest the building is unworthy of such expenditure and that they would also be incorrect in today's economic conditions when work of this type is sought after. Neither party took into account the high cost of demolition and the environmental cost of adding more construction rubble to the already serious problem in York of landfill. No evidence was heard from the Town of the possibilities of future use or rezoning on the subject site.

The Board also heard evidence from a Diocese witness that Church attendance and offerings indicate a pattern of decline throughout the Diocese.

While the poor visibility of the site was given as another reason to abandon the site, in the Board's opinion this was not proven. It was very evident that this was an emotionally charged issue in the Anglican community of Newmarket as illustrated by the number of people present and the evidence heard; all of which indicated a rift of unrivalled proportions to other hearings of the Board. It is not within the mandate of the Board to consider this in its recommendation of whether St. Paul's Anglican Church is worthy of designation under the Ontario Heritage Act.

RECOMMENDATION:

In the opinion of the Conservation Review Board the church known as St. Paul's Anglican, Newmarket, is worthy of designation under the Ontario Heritage Act, R.S.O. 1990 for historical, contextual and architectural reasons. The Board regrets that this recommendation may trigger the threatened application for demolition but this does not change the opinion of the Board that the case for heritage recognition of the building as a structure of historic importance in the Town of Newmarket is proven. The Board further recommends to the Diocese of Toronto that it fully explore the possibilities of either reassessing use of the site for its historic purpose or ensuring that it is sold or rented to a group who will use it for worship. This would initiate a foundation for healing the rift within the Anglican congregation of Newmarket. If rezoning of the site to an increased density is possible, the alternative of density transfer within the site or to another location, is an option that could be jointly explored by the Diocese and the municipality.

The Board further recommends that when a building report prognosticates advancing inherent weaknesses, suggesting drastic and unusual action, that a second opinion be obtained from an engineer and consultant architect appointed by their respective professional, or similar, appropriate bodies.

Finally the Board regretted that the Rectory and Memorial Hall were not part of the application as their history and architecture, individually and within the context of the evolution of the site, makes them true candidates for consideration for heritage designation.

(Signed)

Heather Broadbent
Vice-Chairman

James Anderson
Member

LIST OF EXHIBITS

- 1 Notice of Hearing
- 2 Town of Newmarket, Report on St. Paul's Anglican Church
- 3 Copies of parts of Deeds to Church property
- 4 Photographs of subject building
- 5 Curriculum Vitae, Kathryn Anderson
- 6 Heritage Property Report, St. Paul's Anglican Church & Rectory
- 7 Photographic examples of work of Marshall B. Aylesworth
- 8 Photographic reproduction of stained glass windows in the Church
- 9 Long Reasons for Heritage Designation, St. Paul's Anglican Church
- 10 Report of Floyd Hales
- 11 Report of A-D Structural Engineering Ltd., October '92
- 12 Curriculum Vitae, David J. Lehman
- 13 Letter to Church Wardens from D. J. Lehman, October 9, 1992
- 14 Position Description, Director of Planning & Development, Anglican Diocese of Toronto
- 15 Curriculum Vitae, John L. Blatherwick, Architect
- 16 True copy of Long Reasons for Designation
- 17 Curriculum Vitae, Robert Booth
- 18 Report of Robert Booth on St. Paul's Anglican Church
- 19 Curriculum Vitae, Ian K. Woods
- 20 Ecclesiastical Building Survey, J. K. Woods & Partners Inc., for Newmarket LACAC on St. Paul's Anglican Church