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CONSERVATION REVIEW BOARD

RE: THE CORPORATION OF THE CITY OF TORONTO – INTENTION TO DESIGNATE THE PROPERTY KNOWN AS 89 KINGSWAY CRESCENT (ISAAC M. SCOTT HOUSE), TORONTO, ONTARIO

Su Murdoch, Chair

September 22, 2005

This hearing was convened under Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, for the purpose of reporting to the Council of the City of Toronto, Ontario, whether, in the opinion of this Board, on the basis of the evidence it heard, the property known as 89 Kingsway Crescent (Isaac M. Scott House) in Toronto, Ontario, should be designated by bylaw under the Act.

Notice of this hearing was given by the Board in the manner required under the Act in the Toronto Star on September 12, 2005. An affidavit by a member of the Conservation Review Board's staff with respect to this notice was filed as Exhibit 1.

The Board, in accordance with its customary practice, had the opportunity to inspect the property (structure and site) and view the immediate area prior to the hearing.

The Board met in Room 304, Metro Hall, 55 John Street, Toronto, Ontario, on Thursday, September 22, 2005.

Participants

Counsel In Order of Appearance

- Brian Haley, Solicitor for City of Toronto: Legal Services, City of Toronto
- Joel D. Farber, Solicitor for the Objectors: Fogler, Rubinoff, Barristers and Solicitors and Leila Rafi, Student-at-law: Fogler, Rubinoff, Barristers and Solicitors
- Leo F. Longo, Solicitor for Patricia Foran and Mark Yarranton: Aird & Berlis, Barristers and Solicitors

Witnesses In Order of Appearance

- Kathryn Anderson, Preservation Officer, Heritage Preservation Services, Culture Division, Economic Development, Culture and Tourism Department of the City of Toronto
- Mark Hall, Architect: M W Hall Corporation
- Joan Burt, Architect: Joan Burt Architects
- Rick Pennycooke, Planner: Lakeshore Group
- Tom E. Warren, Owner of the Property from 1973 to 2001
- Michael McClelland, Architect: E.R.A. Architects

In this report the structure in question is identified as 89 Kingsway Crescent or the Isaac M. Scott House. It is a two-storey, detached dwelling on the east side of Kingsway Crescent, south of Dundas Street West, in the Lambton Mills area of the former City of Etobicoke. The principal façade faces west and is part of a streetscape of dwellings of varying age, mass and materials. It will be referred to as “the Property.”

The hearing commenced at 10 a.m.

Procedural Matter

As is the custom of the Board, members of the public in attendance were asked if they intended to participate by making a statement later in the proceedings. Mr. Longo requested that he be added as a “party” to the proceedings on behalf of clients Patricia Foran and Mark Yarranton of 10 Mill Cove (at the rear of the Property), indicating that he had made the interest of his clients known in advance to the City of Toronto, Mr. Farber, and the Board. Mr. Haley did not object; Mr. Farber did object. The Board acknowledged that materials from Mr. Longo and his intended witness, Michael McClelland, had been provided to the Board as part of the pre-hearing submissions and were reviewed by the Board in preparation for this hearing. The Board stated that the Conservation Review Board is a tribunal subject to the Statutory Powers Procedure Act and that the purpose of the hearing was to gather information with which to make a recommendation to the Council of the City of Toronto. In the interest of being inclusive and fair, Mr. Longo was allowed to participate in the proceedings. He was cautioned to limit his evidence to the heritage matters before the Board, and to be brief out of courtesy to the principal presenters who had prepared for the time allotted.

Case for the City of Toronto

Mr. Haley introduced documentation to confirm the legal description and current ownership of the Property (Exhibit 2). It was established that the current legal description is Part Lot A, Plan 1441, Etobicoke, City of Toronto, and that the current owners are Sonya Neuffer and Rayan Zachariassen.

Mr. Haley introduced an Affidavit that the Members of Council for the City of Toronto had been notified of the issue, time, and place for the Hearing (Exhibit 3).

Mr. Haley introduced a tabulated binder “Document Book of City of Toronto” (Exhibit 4).

Witness – Kathryn Anderson, Preservation Officer, City of Toronto

Mr. Haley called Kathryn Anderson as a witness to present the case in support of designation of the Property and Ms. Anderson was sworn. Ms. Anderson’s CV was accepted (Exhibit 5) and the outline of her verbal and slide presentations was submitted to the Board (Exhibits 6A and 6B).

Ms. Anderson stated that she is a Preservation Officer with Heritage Preservation Services in the Culture Division, Economic Development, Culture and Tourism Department of the City of Toronto. In her role as Preservation Officer, she evaluates, researches, and prepares reports for properties considered for inclusion on the City of Toronto Inventory of Heritage Properties, for designation under the Ontario Heritage Act, and for Heritage Easement Agreements. She prepares reports for the consideration of the Toronto Preservation Board (Municipal Heritage Committee) and Toronto City Council. She personally undertook the research for the Property and drafted the Reasons for Designation.

Ms. Anderson explained that City of Toronto Preservation Services is the agency responsible for heritage conservation in the amalgamated City of Toronto. The heritage conservation philosophy of Preservation Services is in keeping with that of the Venice Charter (International Charter for the Conservation and Restoration of Monuments and Sites), Canada's Appleton Charter for the Protection and Enhancement of the Built Environment, the 2005 Provincial Policy Statement under the Planning Act, the Ontario Heritage Act (as amended in 2005), and the Ministry of Culture's Technical Note 1, "Eight Guiding Principles in the Conservation of Historic Properties," copies of which are contained in Exhibit 4.

Ms. Anderson stated that, as the Draft Official Plan of the City of Toronto is under appeal to the Ontario Municipal Board, the cultural heritage policies governing the Property are still those contained in the City of Etobicoke Official Plan, Section 7.3, Heritage Conservation Goals and Policies (Tab 6 Exhibit 4). A copy of the Toronto Official Plan, adopted by City Council November 2002, Section 3.1.5 Heritage Resources, Policies 1 to 13, as provided (Tab 7 Exhibit 4), is the mechanism guiding the activities of Preservation Services.

Ms. Anderson explained to the Board that the Inventory of Heritage Properties of the City of Toronto is the amalgam of all the cultural heritage resource inventories or lists compiled by the municipalities that amalgamated in 1998 as the City of Toronto. The Property was listed by the City of Etobicoke. Tab 9 Exhibit 4 is extracted from the larger list of Etobicoke heritage properties as the "List of Properties in the Lambton Mills that are included on The City of Toronto Inventory of Heritage Properties." Eleven properties are on this list, one of which is designated under Part IV of the Ontario Heritage Act (4062-4066 Old Dundas Street West, Lambton House). Preservation Services uses the Inventory as a "monitoring tool" and staff is routinely circulated development applications affecting those listed properties. The Property is on the Inventory.

A map (Exhibit 7) was used by Ms. Anderson to illustrate the clusters of heritage properties throughout the former City of Etobicoke.

Ms. Anderson outlined the chronology from the first (June 25, 2004) notice to Preservation Services regarding a development application for the Property, to the July 30, 2004 issue of the Notice of Intention to Designate, and the subsequent appeals. This chronology was provided as part of Exhibit 6A.

Ms. Anderson outlined the documentary research process applied to the Property. It involved a review of nineteenth and early twentieth century maps and insurance plans, directories, tax assessment rolls, land records for Plans 531, 910, 989, 1441, and secondary sources (Tab 11 Exhibit 4).

Ms. Anderson organized the presentation of her evidence using the framework of phrases and statements contained in the Reasons for Designation. She began with "the site is part of the former Fisher Estate. Lands along the west bank of the Humber River south of Dundas Street West were acquired by miller Thomas Fisher in the early nineteenth century and became part of the extended community of Lambton Mills."

Ms. Anderson stated that from 1822 to 1835, Thomas Fisher, a Yorkshire miller, leased and then acquired the King's Mill on the Humber River where he operated grist and saw mills and a nail factory. In 1835, he sold his mills to William Gamble (Milton Mills, now designated under Part IV as Old Mill Ruins). Fisher re-established his mills upstream closer to Dundas Street West, where mills and stores were first built by William Cooper in the early nineteenth century.

By the compilation of an 1856 map of Etobicoke Township shown by Ms. Anderson, part of the village west of the Humber River was known as Milton, while the portion on the east bank was called Lambton. By the 1860 publishing of Tremaine's Map of the City of Toronto and the County of York, the hamlet was called Lambton. Thomas Fisher died in the 1860s.

In the 1880s, the holdings of the Howland family on both sides of the Humber River were destroyed/damaged by a severe storm. Fisher's Mill was rebuilt as the Lambton Woolen Mill and absorbed in the 1890s by Canada Woolen Mills. It was among Etobicoke's largest employers before being destroyed by fire in 1900.

The road to Fisher's Mill was built by Fisher on a diagonal from Dundas Street to his mill. When Robert Smith established the residential subdivision Kingsway Park in the 1920s (south of the Property), the street, then known as Fisher's Road, was renamed as the extension of Kingsway Crescent.

Ms. Anderson stated that Lambton Mills was an important hamlet in Etobicoke, located where Dundas Street, the main route west from York (Toronto), crossed the Humber River. At the height of its success as a milling centre, it was an unincorporated village with a population exceeding 600.

Ms. Anderson explained that the Property is part of Block A, Plan 1441, which was registered on January 15, 1909, as a subdivision of Lot 9, Concession C, Etobicoke Township. The Crown patent for Lot 9 was issued to Thomas Fisher in 1835; Lot 9 was known as the Fisher Estate after the death of Thomas Fisher in the 1860s, and is considered part of the extended community of Lambton Mills.

Ms. Anderson stated that this relationship of the Property to the historic Lambton Mills community has cultural resource value or interest worthy of designation.

Ms. Anderson next gave evidence regarding the Reasons for Designation statement that "the house was constructed in 1905 for Isaac M. Scott, a mason whose family occupied the site for over a century." She outlined her use of maps, directories, tax assessment rolls, and land records in compiling the historical information for the Property (Exhibit 6A). The Abstract of Title for Lot 9, Concession C, indicates that Fisher descendants dispersed parcels of land starting in the 1860s. In 1880, Thomas W. Fisher sold part to George Smith, including Fisher's Mill. Smith registered Plan 531 in 1882 as a subdivision on the west side of present-day Kingsway Crescent. By 1900, Smith's remaining lands on the east side of Kingsway Crescent were owned by Canada Woolen Mill, and acquired in 1904 by Thomas Elliott. In 1909, Elliott sold part of Block A to William Scott who dispersed portions to others, including a part described as the "northwest corner" to Annie Scott in 1912. Annie was the spouse of Isaac M. Scott (purportedly sister-in-law to William).

Ms. Anderson stated that tax assessment rolls for 1898 to 1904 annually record Isaac Scott on Plan 531, Lot 4, Fisher's Road, the present site of the dwelling opposite the Property and now known as 110 Kingsway Crescent. In 1905, Isaac Scott was recorded on Thomas Elliott's holdings of Lot 9, Concession C. In 1909, Scott is recorded as the freeholder on Part A, Plan 1441. Ms. Anderson stated that using this tax assessment roll information and erring on the side of caution, the date of construction was fixed at "1905" when Isaac Scott began the Scott family's long-term occupancy of the Property.

In Ms. Anderson's opinion, there is no documentary evidence to substantiate earlier construction dates of 1870 and 1883 put forth by the owner's consultant. If structural evidence indicates that the property was developed earlier, Ms. Anderson is of the opinion that "this only increases its value as a heritage resource."

Ms. Anderson next addressed the statement regarding the Property being a good example of the ell-shaped designs associated with farmhouses in the late nineteenth century and afterward. She stated, "Whether by intention or evolution, there are few surviving examples of ell-shaped houses representing the rural character of Etobicoke."

Ms. Anderson next addressed the heritage attributes listed in the Reasons for Designation. She reiterated the list as being the exterior walls and roof, with specific reference to the two-storey ell-shaped plan, the building materials (stone, brick, and wood), and the cross-gable roof with gables and chimney. Also identified are the verandah, entrance, and bay window on the west façade, segmental-arched window openings on all walls, secondary entries on the west and east walls, and the rear (east) wall with the verandah.

Ms. Anderson then responded to the objections to the Reasons for Designation stated in the August 26, 2004 letter to the City Clerk from the Objectors (Tab 14 Exhibit 4):

"The ell-shape was not original but is the result of additions to the original structure, and the building was not originally bricked." Ms. Anderson's response: "If the evolution of the building can be documented structurally or through other means, as outlined in the Venice Charter, it adds to its interest and value as a heritage building."

"The chimney, front verandah and shutters are not original." Ms. Anderson's response: "These features are subject to deterioration and commonly replaced over time, and do not detract from the importance of the site. They are included so that the City can manage change to those features, either ensuring their maintenance or allowing their appropriate replacement."

"The rear verandah was a later addition." Ms. Anderson's response: "The inclusion of the rear elevation in the Reasons enables Heritage Preservation Services to consider changes to all walls. HPS approved the removal of the rear part of the building to accommodate the proposed development."

In response to the objection that "relates to the historical significance of the neighbouring property at 110 Kingsway Crescent, where the Scott family previously lived," Ms. Anderson stated: "The property is not currently listed on the Inventory of Heritage Properties. However, the property at 89 Kingsway is not identified for historical reasons associated with the Scott family. It is identified for its historical associations with Lambton Mills."

Ms. Anderson did not address the objections in the August 26, 2004 letter that relate to use and condition of the building, encroachment, and infill as these are not proper matters for the Board's consideration.

Ms. Anderson concluded by stating that only "a handful of buildings associated with Lambton Mills" survive to represent the history of the area.

Cross-examination of the Witness by Mr. Longo

Mr. Longo confirmed of Ms. Anderson that she had seen the reports of Mark Hall and Joan Burt. He also noted that the Humber River divides Lambton Mills into two jurisdictions: Etobicoke on the west and York on the east; only one property on the Inventory is on the York side (4062-4066 Old Dundas Street West, Lambton House) and that the Humber River has national heritage river recognition.

The Hearing recessed for a 40-minute lunch break.

Cross-examination of the Witness by Mr. Farber

Mr. Farber introduced the "Document Brief of the Owners" (Exhibit 8).

In cross-examination, Ms. Anderson explained that the description of the heritage attributes is the result of what she could see "from the street" and that she had not had the opportunity to inspect the structure before preparing the Reasons for Designation.

She confirmed that Thomas Fisher died in the 1860s and that this was the start of the dispersal of his holdings by the executors/descendants.

She agreed that the estimated date of birth for Isaac Scott was the 1860s when the Fisher holdings were beginning to be dispersed.

Mr. Farber questioned the use of the phrase "extended community of Lambton Mills" as it appears in the Reasons for Designation, and suggested that the significance of Lambton Mills is in the mills and the cluster of development around the mills. Ms. Anderson disagreed stating that the significance of the Property is related to the community that evolved around, and as a result of, the mills.

Mr. Farber questioned the use of the phrase "constructed *for* Isaac M. Scott" as it appears in the Reasons for Designation. Ms. Anderson stated that "Isaac Scott" is used only for identification purposes and agreed no significance is attached to Isaac Scott as an individual.

Mr. Farber questioned the description of the Property as a "good example of ell-shaped" now that it appears that the structure may be two buildings joined. Ms. Anderson responded that it is not a farmhouse, but a farmhouse design in terms of style and that it is now ell-shaped. She agreed the immediate area was not used for farming.

Mr. Farber asked for clarification of Ms. Anderson's evidence regarding the list of heritage attributes, and why the Reasons for Designation were not changed as new information became available. She responded that it was not the time to change the report as the Notice of Intention to Designate had been issued.

It was acknowledged by Ms. Anderson that the photographs of existing heritage structures associated with Lambton Mills, as presented in her slides and contained in Exhibit 9, date primarily to the 1850s to 1870s.

Re-examination of the Witness by Mr. Haley

Mr. Haley demonstrated through Ms. Anderson that the accuracy of historic maps and plans in plotting existing structures is not reliable.

Case for the Objectors

Mr. Farber submitted a “Book of Photographs” (Exhibit 9) containing photographs of heritage properties in Lambton Mills.

Witness – Mark Hall, Architect

Mr. Farber called Mark Hall as a witness and Mr. Hall was sworn. Mr. Hall’s CV outlining his expertise as an architect and urban planner with experience in historic preservation and adaptive re-use was filed as Exhibit 10.

Mr. Hall explained that he had been retained by the current owners of the Property and had prepared a report letter dated September 20, 2004 (Tab 30 Exhibit 8).

Mr. Hall had inspected the Property and stated his opinion that the ell-shape of the structure is the result of two buildings put together. The gable end facing west to the street is one of the buildings and likely the earlier. The south wall goes through the house to the rear and this was an exterior bearing wall. At the south is an addition or second building. Some exterior stucco cladding is visible as a result of the partial dismantling of an interior wall section. It is Mr. Hall’s conclusion that both structures had exterior stucco, as the window openings are set within wood frames with stucco. The entire structure was then clad at an unknown date with a single layer of brick veneer. The rear (east) verandah is a recent addition.

Mr. Hall stated his opinion that there is “not much” architectural merit or contextual value to the structure.

Cross-examination of the Witness by Mr. Longo

Mr. Longo referenced the report letter of Mr. Hall to confirm that Mr. Hall had no opinion on the date of construction or historical aspects as opposed to “architectural heritage value,” had not studied the Lambton Mills area, had visited the Property and neighbourhood, and had met with the Planning Department of the City of Toronto.

Cross-examination of the Witness by Mr. Haley

On cross-examination by Mr. Haley, Mr. Hall added that in his opinion the building is a mixture of dates with the underlying wood structures late nineteenth or early twentieth century, and the brickwork twentieth century. He had examined the framing, and rubblestone foundation, noted varieties of lime-based mortar and Portland cement, and saw evidence of stucco on the east wall, interior combined wall, and on the second floor where the two structures join at the south wall and rear wall.

Witness – Joan Burt, Architect

Mr. Farber called Joan Burt as a witness and Ms. Burt was sworn. Ms. Burt’s CV outlining her expertise as an architect with experience in historic preservation and adaptive re-use was filed as Exhibit 11.

Ms. Burt stated that her evidence is based on an initial site visit, and a follow-up site visit to investigate the possibility of the structure being composed of two structures. Ms. Burt could not confirm if either of the structures originated on the subject site; but the interior trim, doors, and windows “look like about 1870.” She noted that 110 Kingsway Crescent is very similar to the structure that forms the north block of the Property. The existing stone foundation supports the brick veneer. In her opinion, the west verandah dates to about 1905, the rear porch is newer, the shutters are new and there is no evidence on the brick that any shutters were original to the design.

Mr. Farber referred Ms. Burt to Tab 28 Exhibit 8 which contains a copy of the “Discussion Guide: Ministry of Culture Criteria for Property of Cultural Heritage Value or Interest: Municipal and Provincial Significance,” specifically page 5: “Proposal for Discussion: Design or Physical Value.” Ms. Burt stated she was only qualified to address the Design or Physical Value criteria and is of the opinion that the Property has no heritage value within the categories of these draft evaluation criteria.

Ms. Burt explained that she did some local history research at the Etobicoke Public Library but cannot provide a copy of the reference she located indicating that the building (Property) dates to 1870.

Witness – Rick Pennycooke, Planner

Mr. Farber called Rick Pennycooke as a witness. Mr. Haley questioned the need for landuse planning evidence. The Board allowed Mr. Pennycooke to give evidence only on those heritage matters before the Board on which he had knowledge or expertise. Mr. Farber was asked to only introduce evidence that was not a repetition of evidence already presented during the proceedings and Mr. Pennycooke was sworn.

Mr. Pennycooke stated that he had been retained by the current owners to manage the landuse planning issues inherent in the proposed development project and in that capacity, heritage became an issue. Mr. Pennycooke’s CV was filed as Exhibit 12.

Mr. Pennycooke oriented the Board to the surrounding neighbourhood with Home Smith Park, Lambton Woods Park, Cooper’s Mill, the Historic Landmarks Walk, etc. He stated that his office prepared a summary of evaluation criteria for Architecture, History, Environment, and Integrity used by municipalities across Canada. A copy was provided (Tab 27 Exhibit 8).

Witness – Tom Warren, Property Owner 1973-2001

Mr. Farber called Tom E. Warren as a witness and Mr. Warren was sworn.

Mr. Warren stated that he was the owner of the Property between 1973 and 2001 and that the house was in “dreadful shape” when he bought it in 1973. “Lots of work was done” but no structural changes were made due to the costs. He built the rear deck, then converted it to the existing verandah, reconstructed the east (below grade) entrance to the basement, and built the shutters. The front porch (west verandah) was falling off but as it encroached on the street allowance and could not be replaced, he had it jacked up, rebuilt the masonry pillars, and restored the wood pillars.

Mr. Warren was aware that the “old roof” can be seen in the attic. It is his conclusion that the southern part of the ell was attached by bringing in an old post and beam structure and constructing a second storey on top. He recalled the old roof as having weathered cedar shingles, suggesting that the structure had been used before being attached.

Mr. Warren explained that at one time he and his wife requested a historical plaque from the City of Etobicoke, but were refused. He does not accept that the Property has heritage value.

Cross-examination of the Witness by Mr. Longo

Mr. Longo submitted the real estate listing for the Property when sold by Mr. Warren in 2002. The Board received this only and not as an Exhibit.

Mr. Longo stated that he and Mr. Warren were neighbours when Mr. Warren resided at the Property.

Mr. Warren was asked to explain the circumstance of the historical essay written in 1983 (estimated) by Mr. Warren’s daughter and entitled “My Old Neighbourhood” (Tab 23 Exhibit 8). Mr. Warren stated it is about the “old,” meaning historic, buildings in the neighbourhood of the Property and where his daughter was residing at the time.

Cross-examination of the Witness by Mr. Haley

Mr. Haley submitted a letter dated June 16, 1986, addressed to J.G. Malcolm, Secretary, Ontario Municipal Board, re file No. V860 174 Thomas E. & Joan M. Warren” (Exhibit 13).

Mr. Warren was referred to sections of the letter including the statement that the “Etobicoke Historical Board/LACAC has been made aware of a Committee of Adjustment decision which refused permission to add a garage to their premises at 89 Kingsway Crescent” and that “while not designated under the Ontario Heritage Act, [the house] is considered to be one of Etobicoke’s heritage buildings.”

Mr. Haley also referred to sections in Exhibit 13 where Mr. Warren describes his effort to take “time and care to recreate the trim and rebuild as much like the original as was possible and practical.”

**Case for Mr. Longo representing Patricia Foran and Mark Yarranton of 10 Mill Cove
Witness - Michael McClelland, Architect**

Mr. Longo called Michael McClelland to present evidence on behalf of Patricia Foran and Mark Yarranton of 10 Mill Cove and Mr. McClelland was sworn. Mr. McClelland’s CV outlining his expertise as an architect with experience in historic preservation and adaptive re-use was filed as Exhibit 14.

Mr. McClelland stated that he was retained by Patricia Foran and Mark Yarranton to undertake a site inspection of the Property. He was the architect for the restoration of 4062-4066 Old Dundas Street West (Lambton House), a municipally owned property designated under Part IV. Through that project, he was familiar with the cultural context of Lambton Mills and how on the east side of the Humber River there were few heritage properties due to the end of the milling period and the damage caused by Hurricane Hazel in the 1950s. He explained that the mills on the river relate to the larger agricultural community around.

Mr. McClelland stated that based on his experience, the Reasons for Designation as written for the Property are “typical.” In his opinion, they are a “clear but broad statement of significance for this building” and he would not change the Reasons for Designation.

Mr. McClelland spoke about the philosophy and principles of heritage conservation. It is his opinion that the Property “as evolutionary evidence is valuable” and that this evolution “cements the interest that buildings have” as part of “social history.” A heritage building must be looked at in relationship to the site or context, and as an “artifact.”

Mr. McClelland noted that the brick veneer of the Property is labelled “Mimico” and that this type of brick was first available about 1912-1913. He stated that he was familiar with a technique whereby stucco clad houses were built with extra wide foundation walls to allow for the future application of brick.

Cross-examination of the Witness by Mr. Farber

Mr. Farber asked if the suggested 1870 date of construction was conjecture, and Mr. McClelland stated it was conjecture based on the site inspection.

Mr. Farber asked if there was community support for the restoration of Lambton House and was there similar support in regard to the Property. Mr. McClelland stated there was extensive community support during the period when Lambton House was being protected and restored. He was not sure if any of those individuals or committees still exist, except the Etobicoke Local Architectural Conservation Advisory Committee, which is now part of the Toronto Preservation Board.

Summation

The Board instructed the order of summations to be Mr. Longo, Mr. Farber, and Mr. Haley. Mr. Longo was allotted half the time allowed for each of Mr. Farber and Mr. Haley.

Statements from the Public

There were no statements from the Public. At noon, a member of the Public who was not able to attend the afternoon proceedings handed the Board copies of letters from area property owners. These were received but not as an Exhibit.

The Hearing adjourned at 4:45 p.m.

Findings of the Board

In the opinion of the Board, the hearing revolved around issues of what documentary evidence exists and how it should be interpreted; and, how the evolution of the physical structure into its present ell-shape should be evaluated.

The Municipality contends that the primary cultural heritage resource value or interest of the Property is in its relationship to the historic “extended” community of Lambton Mills. It also contends that cultural value or interest is found in the association of the Property with the former Fisher Estate land holdings, Thomas Fisher having been an important early nineteenth century industrialist with mills on the Humber River.

Evidence was given to suggest that the number of cultural heritage resources available to represent the historic Lambton Mills is “a handful” and declining for past (mills closed and natural disasters) and modern reasons (renovation, redevelopment, infill). No evidence was given to confirm whether the (undated) Inventory of Heritage Properties compiled by the former City of Etobicoke and incorporated into the City of Toronto Inventory of Heritage Properties is considered to be comprehensive or a complete listing of the surviving cultural heritage resources. It concerned the Board that the visually historic dwelling at 110 Kingsway Crescent, known through documentary research to be the property occupied by Isaac Scott in 1898, is not on the Inventory of Heritage Properties. Similarly, the Warren essay “My Old Neighbourhood” [1983] contains properties not on the former City of Etobicoke Heritage Properties Inventory as presented to the Board. This brings into question whether the Inventory is complete and accurate.

The Municipality contends that there is no cultural value or interest assigned to Isaac M. Scott as an individual or as a mason, and that the use of the Isaac Scott name is for administrative identification purposes. As such, it is the opinion of the Board that the Reasons for Designation statement, “The house at 89 Kingsway Crescent was constructed in 1905 for Isaac M. Scott, a mason whose family occupied the site for over half a century,” is misleading.

The Municipality contends that the use of 1905 as the “date of construction” is appropriate as this is based on a cautious interpretation of the documentary evidence. This places the Property in the period near the closing of the area’s major mills, and before the 1920s development of the Kingsway Park, the English-style, residential development to the south. As it is (now) known that 1905 is unlikely the actual date of construction, the Board finds the phrase in the Reasons for Designation “was constructed in 1905” misleading if not erroneous.

No evidence was presented with which the Board can substantiate that the Property is a “good example of the ell-shaped designs favoured for farmhouses at the end of the nineteenth century and afterward.” There was no comparison made to other examples in the City of Toronto, nor was it shown that there are no other examples and that the Property is a rare or unique example. There also was contradictory evidence on whether the area held an historical association with farming. The Reasons for Designation do not differentiate between as-built ell-shaped, or as-evolved and now ell-shaped.

Of particular concern to the Board is the way in which the heritage attributes are listed in the Reasons for Designation. The OHA, as amended, requires a designation bylaw to be accompanied by a statement explaining the cultural heritage value or interest of the property, and a description of the heritage attributes. Heritage attributes are defined as the attributes of the property (including buildings and structures on it) that contribute to this cultural heritage value or interest.

It was established through corroborating evidence that some of the heritage attributes identified in the Reasons for Designation (chimney, shutters, east verandah) are replacements. There was no evidence to suggest that these held cultural heritage value or interest, in themselves, as later examples. The Municipality contends that it is valid to mention these as heritage attributes as they are commonly replaced over time and that the Reasons for Designation are intended to guide Preservation Services staff in reviewing future applications for alterations. The Reasons for Designation for the Property do not differentiate between heritage attributes that embody the significance of the property and

known replacements. For example, evidence was given that there is no indication of shutters being integral to the design. The existing shutters were built and attached by the (1972-2001) owner of the Property.

The Municipality provided extensive evidence of its commendable philosophy and approach to the conservation of cultural heritage resources. However, the Board was not given an explanation or copy of any evaluation criteria or standard evaluation process that may have been applied to the Property as it was being considered for designation under the Ontario Heritage Act.

It was evident to the Board that much of the physical information about the Property, and resultant interest in how it might have evolved, has been learned in recent months as the Property was partially dismantled. The Board agrees that there is value in studying and documenting the evolution of heritage structures, but much of the argument presented in this regard was philosophical and apart from the specifics of the Property.

It is the opinion of the Board that the Property contains information that can contribute to the understanding of how structures evolve over time, but that this alone is insufficient to give cultural heritage value or interest worthy of designation under Part IV of the Ontario Heritage Act.

On the basis of the evidence it heard, and for the following primary reasons, the Board recommends to the Council of the City of Toronto *not to proceed* with designation under the Ontario Heritage Act of the property known as 89 Kingsway Crescent (Isaac M. Scott House):

1. It was not demonstrated that the Property contributes significantly to the understanding and appreciation of the cultural heritage associated with the historic community of Lambton Mills or the larger community of Etobicoke. It was however, demonstrated that other properties with an association to the historic community of Lambton Mills exist, or may be found to exist (these properties should be included on the City of Toronto Heritage Properties Inventory as part of the process toward recognition and conservation, notably 110 Kingsway Crescent).
2. It was not demonstrated that the Property is associated with an individual who is known to have contributed to the history or development of Lambton Mills.
3. The association of the Property with Fisher Mills is through ownership of the real property by Thomas Fisher and his descendants, but it was not demonstrated that, in this case, this contributes to the knowledge and understanding of the important milling history of Lambton Mills.
4. It was not demonstrated that the 1905 form of the Property contributes to the knowledge of a particular architectural style, period of construction, or craftsmanship, although the Property does embody information about the evolution of building alteration.

The Board appreciated that all participants were well-prepared for what proved to be lengthy proceedings, and that the evidence and argument were limited to the cultural heritage resource matters before the Board, without reference to physical condition, use, future alterations, demolition, or landuse planning.

(original signed) by:

Su Murdoch, Member

Exhibits List

- Exhibit 1 Sworn Affidavit of Notice of Hearing
- Exhibit 2 Affidavit of Proof of Property Ownership
- Exhibit 3 Affidavit of Notice of Hearing to City of Toronto Council
- Exhibit 4 Document Book of the City of Toronto
- Exhibit 5 Curriculum Vitae for Kathryn Anderson
- Exhibit 6A Evidence outline of Kathryn Anderson (text)
- Exhibit 6B Evidence outline of Kathryn Anderson (photographs)
- Exhibit 7 Etobicoke Heritage Building map February 2003 prepared by City of Toronto Works and Engineering Services
- Exhibit 8 Document Brief of the Owners
- Exhibit 9 Book of Photographs prepared by Fogler, Rubinoff
- Exhibit 10 Curriculum Vitae for Mark Hall
- Exhibit 11 Curriculum Vitae for Joan Burt
- Exhibit 12 Curriculum Vitae for Rick Pennycooke
- Exhibit 13 City of Etobicoke letter June 16, 1986, to J.G. Malcolm, Secretary, Ontario Municipal Board, re file No. V860 174 Thomas E. & Joan M. Warren
- Exhibit 14 Curriculum Vitae of Michael McClelland

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