



Conservation  
Review Board

Ministry of  
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**CITY OF TORONTO - INTENTION TO DESIGNATE  
4 OLD GEORGE PLACE (THE FRASER HOUSE)  
TORONTO, ONTARIO**

Judith Godfrey, Vice Chairman  
Betty Ann Widdrington, Member

May 14, 1991

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337 of the Notice of Intention given by the Council of the City of Toronto to designate 4 Old George Place - the Fraser House - to be of architectural value or interest.

Present:

John Phillips - Solicitor for the City of Toronto  
Kathryn Anderson - Preservation Officer, Toronto  
Historical Board  
Donald Fraser - owner of the property  
Judith Fraser - objector  
William Greer - Toronto Historical Board

The Board attended at the City Hall, Toronto, at 10:00 a.m. Tuesday, May 14, 1991, to conduct a public hearing to determine whether the property known as the Fraser House at 4 Old George Place should be designated as being of architectural value or interest.

The hearing proceeded on the basis that proper notice had been given and procedures properly followed (Exhibit 1). Notice of the hearing appeared in the April 24, May 1, and May 8, 1991 issues of the Toronto Star.

**FINDINGS OF FACT**

**OWNERSHIP:**

The registered owner is Donald Fraser, in accordance with the deed registered December 8, 1964 (Exhibit 5).

The property is a single dwelling with no additions. There is ravine control (ravine goes within 15 ft. of the house - zoning is R1Z0.35 - residential).

In accordance with the Act, Notice of Intention to Designate was published in the Globe and Mail on November 13, 20 and 27, 1990, stating that any objection be served on the clerk within 30 days.

A letter of objection dated November 29, 1990 was received and City Council referred the matter to the Conservation Review Board for a hearing and report.

**BACKGROUND:**

September 7, 1989	Initiation of legal claim of Judith P. Fraser re marital settlement under Family Law Act
January 1990	The Toronto Historical Board received from the owner of the property at 4 Old George Place, a request that the property be considered for designation under the Ontario Heritage Act, signed "Don Fraser 4T6".
March 1990	"as of" date of Real Estate appraisals for marital settlement according to Don Fraser
July 11, 1990	Letter to Don Fraser's solicitor re "as is" (VALIDATION) Date being August 31, 1989
August 1990	Claim served to Donald Fraser re equalization of net family property by Judith Fraser.
August 22, 1990	A report from the Toronto Historical Board sent to the Preservation Committee recommending designation for architectural reasons.
September 11, 1990	Calculation of Net Family Property to be sent to Supreme court, signed by Donald Fraser.
September 26, 1990	The Neighbourhood Committee recommended the adoption of the report from the Historical Board by City Council.
October 1990	Clause 2 of the Neighbourhood Committee Report 13, entitled "Intention to Designate 4 Old George Place" adopted by City Council at its meeting October 22, 23 and 24, 1990.

- November 13, 1990 Notice of Intention to Designate published November 13, 20, and 27, 1990.
- November 29, 1990 Letter of Objection from Judith P. Fraser
- December 17, 1990 Adoption of report transmitting to Conservation Review Board for a hearing.
- January 18, 1991 The committee submitted a communication from Don Fraser to the Toronto Historical Board supporting designation.
- February 4, 1991 City Council's meeting held on February 4 and 5, 1991, considered Clause 5 in Report 20 of the Neighbourhood Committee and adopted Clause 5 because of the objection letter. Sent to Nancy Smith, Conservation Review Board, to refer for a hearing.

**ARCHITECTURAL EVIDENCE - CITY OF TORONTO:**

John Phillips called Kathryn Anderson as his first witness (C.V. Exhibit 7). Ms. Anderson reviewed the Heritage Property Report of the Fraser House, both historically and architecturally (Exhibit 8), although the building is recommended for designation on architectural grounds only.

The Fraser House was commissioned by Don Fraser in 1965, moved into in 1966, and completed in 1967 (with exception of furnishings, drapes, etc.).

The Canadian architect Ron Thom (1923-68) consulted with Paul Merrick to design a home for a natural ravine setting. The design is organic, with West Coast, Native Canadian, and Asian influences.

According to the witness, other well known Ron Thom designs include Massey College at the University of Toronto, which was recently designated (1990), the Shaw Festival Theatre (built in 1970, and the Metropolitan Zoo (built in 1972). Thom is best known for his public buildings. The Fraser House, is one of the few examples of his residential design (see Modern Canadian Architecture). Another house is situated on Roxborough Drive in Toronto.

The work of Ron Thom is included in many architectural exhibitions in Canada and the United States. He was a member of the Royal Canadian Academy of Arts and a Fellow of the Royal Architectural Institute of Canada. He received the Massey medal in 1963 and the Order of Canada in 1981.

Ron Thom studied at the Vancouver School of Art and in 1958 was the head partner in the firm of Thompson Berwick Pratt in Vancouver. He moved to Toronto in 1963 and established the Thom Partnership.

Mr. Thom was an innovative and influential architect as well as a modern one.

The Fraser House was designed for a natural environment integrating form and landscape using Japanese architecture.

Photos, Exhibit 9, shows how the outside entrance moves from the street to the organic design of the house, similar to Frank Lloyd Wright designs. Sloping roofs, large amounts of glass and durable materials (cedar) integrate the building to the environment.

The house is built into the edge of the Rosedale Ravine, with access from a cul-de-sac. The cul-de-sac serves four residential houses, the Crashley house next door, is designed by Parkin. The architects were given complete freedom to make a home that would be timeless and not of the usual mode. A low open passageway, with a shingled roof, links the garage to the three-storey home.

The structure consists of red-brown brick, screens set at different angles, interspaced with cedar sections and glass panes. The vertical helical plan leads off a central open stairwell, designed by Paul Merrick. There are cantilevered decks and connecting bridges.

The built-in and custom made wood furniture was designed by Thom and the light fixtures by Thom and his partner Brian Kilpatrick.

The organic design of the Fraser House makes it one of the most important examples of modern residential architecture in the City of Toronto.

It is recommended for designation for architectural reasons.

#### **OBJECTION**

Judith Fraser was her own witness.

Mrs. Fraser noted that designation would significantly reduce the property value. Mrs. Fraser felt that designation at this time, at the owner's request, is unnecessary as there is no threat to the property. As the owner and his wife are separated, that matter should be delayed until the court settles the financial claims between the owner and his wife. She also felt that as a spouse, having a spousal interest, she should have received all

information pertaining to the designation (owner of title is notified, non-owner is not). She also ascertained that Ms. Anderson did not know that there was another Ron Thom house on Roxborough. She stated that the design is not typical of Ron Thom, who used angular lines (e.g. Massey College), and that Paul Merrick did most of the plans. The helical interior and all curved brick features were designs by Paul Merrick, including the pillars between the dining and the living room and the curved lintel over the fireplace in the master bedroom. Derryl Morgan designed the dining room, kitchen and entrance light fixtures and the central hall fixture was designed by Brian Kilpatrick.

While Ron Thom's signature is tight interplay of rectangular forms, this home has more freedom of form in its design.

Mrs. Fraser recommended that the house not be designated.

When Ms. Anderson was asked about eligibility for grants upon designation, she stated the advantages of designation are that the property is available for grants or bonuses if designated, and allows the owner to receive professional advice from the Toronto Historical Board, as well as identifying the building as an important structure. She stated the effect of the Ontario Heritage Act is that a heritage permit, in concert with the reasons for designation, would be required for any alteration, and that under the Act, any demolition would be delayed 270 plus 90 days; or until a building permit is given by the City of Toronto under PR57. She stated she had no evidence that designation would affect the value of a property.

Ms. Anderson stated that the interior, including built-in furniture and light fixtures, merits designation although it is unprecedented to designate such interiors. She stated also that free-standing furniture, designed by Brian Kilpatrick and Paul Merrick, would not be included. If designated, interior alterations would have to be reviewed by the Historical Board. No modern house in Toronto has yet been listed or designated at the present time.

In reply to the Board's query, it was ascertained that the public can see the house only from the ravine side as there is no access from the road. The house can only be seen from a distance by the public in the fall and winter from the ravine side.

Mr. Greer was the next witness. He stated that negative effects of designation might be a time problem for an owner of the property, but there are positive benefits such as grants and bonuses, and that heritage designation allows the chief in the Building Department certain flexibility not found in undesignated structures - this is covered under the Building Code, "Renovations for Heritage Structures". Mr. Greer's evidence was that designation might be considered a constraint as it has a potentially smaller market, but that any unique building whether or not designated has a potentially smaller market, and that market value must be treated on a case by case basis.

The Historical Board has begun to identify modern properties (at least 10 years old). He felt that the interior and exterior of this building are one, and that Old George Place is a modern subdivision. He recommended designation although other modern homes and homes on the Old George Place cul-de-sac have not yet been processed for designation as there is a large backlog.

In response to the Board's query regarding the changes that future owners might want to make to the interior or the possibility of demolition, Mr. Fraser (owner) said that nothing can be done to the property without the approval of J. Douglas Crashley, the original property owner, who lives next door. There is a covenant against 4 Old George Place and Mr. Crashley has master control on the title. The home can't be torn down and another built due to that covenant. A letter to Donald Fraser from J. Douglas Crashley, (January 15, 1991 Exhibit 10C), regarding the protective covenant which gives him control over modifications or construction on the buildings or grounds, was produced in evidence.

Mrs. Fraser quoted a letter (Exhibit 10A and 10B), signed by Mr. Fraser to the Supreme Court (regarding property settlement between Don and Judith Fraser) that claimed a \$250,000 reduction in the assessed house value due to designation. This letter, one month after the claim for equalization of net family property, was dated September 11, 1990 and was sent to the Court November 11, 1990. At that time, however, this was a premature statement, as the City had not yet published the Notice of Intention to Designate (November 13, 1991), and the valuation date of appraisals was March 1990, at which time the City had not yet taken any action, (their first mention being August 22, 1990 at the Toronto Historical Board, who sent it to their Preservation Committee).

This Board has never heard evidence that designation reduces property value. In fact, often the value increases due to grant availability and core area parking area reductions.

Mr. Fraser was asked to produce this letter and the hearing reconvened at 1:30 p.m. This is the first instance where this Board has had evidence from an owner who willingly sought to reduce their property's value by designation.

The Board requested that evidence of any financial impact of designation should be substantiated. Letters to the Board and the Supreme Court, as well as real estate appraisals, (Exhibits 10A to 10F), were produced in evidence.

#### **SUMMARY**

John Phillips, Solicitor for the City of Toronto, stated in summation that the architectural evidence is undisputed and that Kathryn Anderson was the only expert witness to that fact. He made the point that this would be the first designation of a modern residence in the City of Toronto and that the City's backlog would make questions of prioritizing designations irrelevant. He recommended no weight be given to the issue of value after designation. His submission was that the Board should recommend designation for the reasons stated.

In objection, Judith Fraser stated that not supporting designation does not mean the property should be demolished but rather that an orderly system of priorities be followed when there have been no precedents for designation of that type of structure in the municipality. She also stated that considerable doubt remains as to whether 4 Old George Place is typical Ron Thom architectural design or is really a Paul Merrick house and alluded to many errors in the wording of the reasons for designation.

Evidence presented put the Board on notice that this designation bears directly on a matrimonial issue which is proceeding in another forum. Except for the City's witnesses, husband and wife were the only parties present at the hearing, with the husband requesting designation and the wife in opposition at this time.

The Board was given notice that husband and wife are in litigation, pending an order to resolve financial issues between husband and wife, subsequent to a marital breakdown. The house is the major asset. Evidence was given by the husband (letter dated September 11, 1990, Exhibit 10), under signature to the Supreme Court, that the property will be reduced in value by \$250,000 (a very significant percentage of the total value), by designation (Exhibit 10 - "Value estimated at [an amount] less reduction for restricting historical designation \$250,000."). Notwithstanding the Board's request for specific evidence to substantiate this claim, no specific substantial evidence was brought forward.

The only real estate appraisal referring in any way to designation "Given the Ron Thom Designation of this property", (Exhibit 10A), was an estimate of the market value of the property as of March 1, 1990 by a neighbour, David Rose, Family Trust. This estimate was done at least six months before any formal designation procedure was instituted by the City of Toronto. The first Notice of Intention to Designate was published November 13, 1990.

The appraisal dated March 1, 1990 (Exhibit 10B), by Royal LePage, stated "should the existing building have to remain as is", which indicates the realtor's opinion only. The Ontario Heritage Act does not require a building to remain "as is". The appraisal dated January 12, 1991 (Exhibit 10C) by Bosley, made no mention of any restriction or heritage designation and yet was the lowest of the three appraisals by a significant percentage, which raises questions regarding the owner's premise of reduction of value due to designation.

The Board decided to give no weight to the claim of reduction in value of the property upon designation.

The Board questions the propriety of the City of Toronto singling out any property out of the city's order of priorities by a special request of the owner. In addition, the Board recommends that the process of heritage designation should not be used in an attempt to further one side of disputes which are being resolved in another forum, in this case a matrimonial settlement.

The City of Toronto should establish clear priorities regarding the designation of modern residential properties of this period prior to any ad hoc designation of any specific property. In this case particularly there is no imminent threat of demolition. Indeed, the next door neighbour has a much stronger legal contract on future design than would be protected by the Ontario Heritage Act (in the form of a restrictive covenant).

While 4 Old George Place may be of some architectural significance, it was pointed out in evidence that it was not on the City of Toronto's Inventory and that very few buildings of this period have been designated. City Hall itself has just recently been designated due to a huge backlog at the Toronto Historical Board. While modern architecture has been considered by the Toronto Historical Board, in actuality no other modern residential buildings have been considered by the Toronto Historical Board to any degree, although there was evidence at the hearing that there is another Ron Thom house in Toronto, and that there are other modern homes of equal merit in the City, even on

Old George Place, owned by Bosley (#1); Firstbrook (#2) and Crashley (#3). In addition, serious questions as to whether this is indeed a "Ron Thom house" was established by the evidence; there were several factual errors in the wording of the "reasons", as well as the fact that the public is not able to easily view the house on the property except by trespassing or from a great distance in the Winter only. These make the wording of the proposed "reasons for designation" questionable at best.

In addition, it is quite unprecedented in Ontario for a municipality to include in its Reasons for Designation virtually all interior elements, including built-in furniture and light fixtures. Such features as stairways, mantles and fireplaces, interior trim, and windows have been included elsewhere in Ontario but never in such an all-inclusive manner.

Prior to any such restrictive wording, the Board recommends that the City of Toronto formulate its policy with regard to what interior elements are appropriate for designation in a residential property. Designation of the interior could potentially be a major problem for future owners who would need permission from their LACAC and Council to alter light fixtures, built-in furniture, mouldings, etc. in a situation such as this. The Board recommends limited specific interior features in "reasons for designation" rather than a complete interior. The Board is of the opinion that in this case the LACAC has not yet adequately researched the effect of interior designation, particularly in a case such as this one, where no member of the public but the residents and their guests would have the opportunity to view the designated elements.

On consideration of the evidence given at the hearing, and taking into account what was said in summary by the counsel for the City of Toronto and by the objector, it is the considered view of this Board not to recommend designation of 4 Old George Place at this time. The Board suggests that the house be placed on the inventory of the Toronto Historical Board in sequence with the other residences of the period and designated simultaneously with them, unless 4 Old George Place is imminently threatened by redevelopment or demolition not protected by the protective covenant which already exists. The Ontario Heritage Act should be used solely on the basis of architectural and historical merit, based on an orderly system of priorities established by each municipality.

(Original Signed by)

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Judith Godfrey, Chairman

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Betty Ann Widdrington, Member

**EXHIBITS**  
**City of Toronto - Intention to Designate**  
**4 Old George Place**

- 1** Affidavit from the Secretary, Conservation Review Board
- 2** INTENTION TO DESIGNATE - 4 OLD GEORGE PLACE, City of Toronto
- 3** Clause embodied in Report No. 2 of the City of Toronto Neighbourhoods Committee which was adopted by City Council at its meeting held on February 4 & 5, 1991
- 4** Declaration by City of Toronto re Notice of Intention to Designate
- 5** Deed of Land registered to Donald Alexander Stuart Fraser, December 8, 1964
- 6A** Schedule "A", legal survey of property Plan SYE24441 dated November 30, 1990
- 6B** Schedule "C", sketch of property, Lot 4, Registered Plan 797E, Plan SYE2441
- 7** Resume of Kathryn H. Anderson, Preservation Officer, Toronto Historical Board
- 8** Copy of Heritage Property Report, The Fraser House, 4 Old George Place, May 1991
- 9** Eight (8) professional photographs of 4 Old George Place (4 exterior and 4 interior views)
- 9A** Copy of letter from Judith Fraser to Ms. Nancy Smith, Secretary, Conservation Review Board, dated May 14, 1991
- 10** Letter from Donald Fraser, May 14, 1991, to Conservation Review Board, enclosing copies of Financial Statement (September 11, 1990) and letter from J. Douglas Crashley (January 15, 1991) which were submitted to Supreme Court as to statement of value being \$250,000 less due to designation.
- 10A** Calculation of Net Family Property, sworn September 11, 1990, Toronto, by Donald A. S. Fraser.
- 10B** "Land" - Nature and Address of Property Old George Place" (value estimated \$\_\_\_\_\_ less reduction for restricting historical designation \$250,000)

- 10C** Letter January 15, 1991 from J. Douglas Crashley to Mr. D. A. S. Fraser stating "we find it imperative that this architectural quality for Old George Place be preserved". Statement of protective covenant over any modifications or construction on the buildings or grounds, by J. Douglas Crashley.
- 10D** Copy of realty appraisal at March 3, 1990, from David Rose, Sales Representative, Family Trust Corporation, (included in letter to Supreme Court from Donald Fraser).
- 10E** Copy of realty appraisal, March 1, 1990, from Pat Smith, Royal LePage (included in letter to Supreme Court from Donald Fraser).
- 10F** Copy of realty appraisal, January 12, 1991, from Kelly Lee Fulton and Arthur Parks, Sales Representatives, W. H. Bosley & Co. Ltd. Realtor (included in letter to Supreme Court from Donald Fraser).
- 11** Copy of letter from Mr. Fraser, January 22, 1990, requesting listing of 4 Old George Place by the Toronto Historical Board; and statement by the Board of telephone call from Mr. Fraser, February 7, 1990, requesting designation of the property, signed Don Fraser 4T6.