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Review Board

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**CRB 1008**

## **CONSERVATION REVIEW BOARD**

### **RE: THE CORPORATION OF THE CITY OF OTTAWA – INTENTION TO DESIGNATE THE PROPERTY KNOWN AS 114 RICHMOND ROAD (SOEURS DE LA VISITATION MONASTERY), OTTAWA, ONTARIO**

**Stuart W. Henderson, Chair**  
**Stuart Kidd, Member**

**23 March 2011**

This hearing was convened under s.29(8) of the Ontario Heritage Act, R.S.O., 1990, Chapter O.18, amended to 2009 (“Act”), for the purpose of reporting to the Council of the City of Ottawa, whether, in the opinion of the Conservation Review Board, on the basis of the evidence it heard, the property known as 114 Richmond Road, the “Soeurs de la Visitation Monastery,” should be protected by bylaw under s.29 of the Act.

The current legal description is PIN 04021-0395 (LT); Part of Block C, Plan 152, as in NP24055, save and except Part 1 on Plan 4R-20799, Ottawa.

Public notice of the Notice of Intention to Designate (“NOITD”) the subject property was placed in the Ottawa Citizen in the issue dated 7 May 2010.

City of Ottawa Council originally proposed designation of the whole property. Mr. Cohen, solicitor for the Owner, Ashcroft Homes, objected to the inclusion of vacant portions of the subject property. Mr. Jeanes, an individual objector, indicated that the NOITD insufficiently described certain associative features of the original house and failed to include certain significant people involved in the evolution of the property.

The Review Board held two pre-hearing conferences on this matter on 26 October 2010 and 2 December 2010, which were attended by all Parties.

There was no signed agreed statement of facts among the Parties at the start of the hearing.

Notice of this hearing was served by the Review Board on the Parties. The Public Notice was arranged by the City of Ottawa in the manner required under the Act in the 7 January 2011 issue of the Ottawa Citizen and the 7 January 2011 issue of Le Droit.

The 25 January 2011 hearing commenced at 10:30 a.m. at City Hall, 110 Laurier Street West, Ottawa, Ontario.

A site visit by the presiding members of the Review Board was conducted in the morning preceding the start of the hearing.

**Parties in Order of Appearance**

Mr. Matthieu Charron, Legal Counsel, City of Ottawa  
Mr. Alan Cohen, Solicitor for the Owner, Ashcroft Homes  
Mr. David Jeanes, Ottawa resident

**Witnesses in Order of Appearance**

Ms. Sally Coutts, Heritage Planner, City of Ottawa  
Mr. David Jeanes

**Members of the Public in Order of Appearance**

Mr. Charles Ficner  
Mr. Lorne Cutler  
Ms. Deb Chapman

**Procedural Matter**

A journalism student attending the hearing asked permission to record the proceedings. The Chair advised that recordings of Review Board hearings are not permitted.

**Property Description**

This 2.1-hectare property fronts on the South side of Richmond Road and extends through to Byron Avenue, the next street to the South. The site is bounded by a low density residential subdivision to the East, an elementary school to the West, low density residential across Byron Avenue to the South, and mixed commercial and residential development across Richmond Road on the North. Currently, a mixed use, multi storey development is under construction across Richmond Road from the property.

The built features on the property involve the original 1860s Gothic Revival style, two storey, stone house. This house now occupies the Northeast corner of a two storey, stone addition, which includes a chapel and monastery, built in 1913 by the Roman Catholic Church. The positioning of these buildings creates a square, cloistered, open centre courtyard. Verandas exist on the private facades of the additions and the 1860s house. The veranda attached to the house is not the original feature; however, it occupies the location of the original veranda. The entire built structure(s) and courtyard is referenced as “the monastery complex.”

The deep front yard slopes gently downward towards Richmond Road from the monastery complex. The yard is landscaped with flowerbeds and mature deciduous shade trees. Along the East property limit, from the side of the complex to the rear of the property, is a wide walkway shaded by mature deciduous trees. This walkway was used by the nuns for recreational purposes.

The large open yard south of the complex was used for vegetable gardens as well as for passive recreation and religious meditation purposes. This yard drops in a bank away from the

monastery to a flat open area and then rises to the treed South limit of the property near Byron Avenue. There is a large willow tree at the South side of the yard.

A masonry perimeter privacy wall was built some time after the monastery addition was erected. The wall runs along the West side of the property, from the monastery to Richmond Road, along the full frontage of Richmond Road, then Southerly along the full East property limit and along the South property limit. There is a frame storage shed about 12 metres east of the monastery complex.

### **Jurisdiction of the Board**

The Parties were reminded that the jurisdiction of the Review Board is to hear evidence within the framework of Ontario Regulation 9/06, being part of the Act, with an aim to assess the cultural heritage value or interest of a property being proposed for designation under s.29 of the Act.

The Chair noted that the Review Board does not address issues of demolition or selective demolition, the costs of physical maintenance or repairs, any planning applications or issues that are under the jurisdiction of the Planning Act, the current state of repair of a property, or any future use of the property.

Evidence on any of these matters will only be heard if it provides context to the discussion of cultural heritage value or interest and any heritage attributes or features that may support that value or interest. The relative weight of this evidence will be assessed by the Review Board in formulating its final recommendation.

The Review Board indicated that it would be diligent in adhering to these parameters and reminded all Parties of the practice of limiting evidence and argument considered to be outside of this scope.

### **Case for the City of Ottawa**

The City evidence folder, including the property Title extract from the Land Registry Office, was accepted as Exhibit # 1.

An Affidavit sworn by Ms. Sally Coutts, Heritage Planner, City of Ottawa, with respect to the Public Notice of this hearing was filed by Mr. Charron, Legal Counsel, City of Ottawa, as Exhibit # 2.

Mr. Charron called Ms. Coutts as the sole witness for the City.

### **Witness – Ms. Sally Coutts**

The Witness was sworn in by the Review Board. Ms. Sally Coutts' credentials were presented, including having given evidence before the Review Board in 1992. Ms. Coutts' position as a Heritage Planner with the City of Ottawa involves preparing heritage reports on properties for consideration by City staff and Council. Both other Parties agreed that Ms. Coutts could be admitted as an expert witness.

Ms. Coutts described the history of the original house built in 1860 for James Dyke and designed by architect Sidney Fripp. The property was one lot within a subdivision of 6-acre "villa lots" created for business people from downtown Ottawa. This coincided with the

development of a “Macadamized road” to this area. In 1910, the property was purchased by the Roman Catholic Church and by 1913 the additions were built. The Soeurs de la Visitation monastery occupied the buildings and property until the summer of 2010.

The original, 1860s, stone house was described as a Gothic Revival style structure. The 1913 additions in limestone involved the two storey, walk-around gallery with occupied rooms, which, together with the chapel on the Northwest corner, combined to create the enclosure of the cloistered centre yard. The 1913 additions, noted to be quite plain in design and structure, were suggested to be consistent with the simple lives of the nuns in the monastery. Verandas are located on the main floor of the original house as well as in certain second floor locations around the monastery complex. There are established grounds with walkways around the immediate exterior of the monastery.

Ms. Coutts indicated that the review of the Statement of Cultural Heritage Value or Interest conducted during the past few months, with input from the other Parties, resulted in a revised Statement being adopted by Council on 19 November 2010. That document identifies the heritage attributes/features, property, and historic significance agreed to by the Parties. The revised description and now reduced property area includes the house, the monastery and chapel, and the immediately associated property as shown on the plan attached to the 29 November 2010 letter from Mr. Timothy Marc to the Review Board in Exhibit # 1. The area proposed to be protected for heritage reasons shown on that plan also includes a wide, tree lined path along the East side of the property. This walkway had been a specified exercise area for the nuns. It runs from beside the monastery to the rear of the property. A tree lined strip of land along the South and West property limits up to the rear of the monastery are similarly proposed for heritage protection.

The balance of the property, in two parts to the South and to the North of the monastery, shown shaded dark on the plan attached to the 29 November 2010 letter from Mr. Marc, had been used for garden and recreational purposes but lacked any heritage significance according to Ms. Coutts.

The City evidence in Exhibit # 1 indicates that there are a few built features that are not proposed for heritage protection. These include the perimeter privacy wall along the West side in front of the monastery and the full North, East and South property limits; an insulbrick clad, frame shed located about 12 metres East of the monastery; and two small accessory structures attached to the South and Northwest sections of the monastery and chapel respectively. The 29 November 2010 letter from Mr. Marc addresses all of the agreed changes, as adopted by City Council. The attachments to that letter set out a revised Statement of Cultural Heritage Value or Interest.

Ms. Coutts credited the research efforts and findings of Mr. Jeanes in many of the worthy revisions now proposed in the revised Statement.

### **Cross Examination of Ms. Coutts by Mr. Cohen**

Mr. Cohen asked Ms. Coutts to comment on whether the large willow tree at the South end of the open yard area, south of the monastery, had any heritage significance. Ms. Coutts noted that the tree, while visually attractive, did not appear in the 1935 air photos and was not mentioned in any documentation found in her research. She added that the fast growth of willows and the current size of this tree suggested that it may be near the end of its expected life. Accordingly, she indicated that it has no heritage significance.

### **Cross Examination of Ms. Coutts by Mr. Jeanes**

Mr. Jeanes asked Ms. Coutts if it is standard practice for the City to evaluate the interior of potential heritage buildings. Ms. Coutts replied that each property and its built features are considered separately on their own merits. She indicated that the evaluation of this property did result in certain interior features being included in the revised proposed Statement of Cultural Heritage Value or Interest.

### **Re-examination of Ms. Coutts by Mr. Charron**

Mr. Charron asked Ms. Coutts to specify those objections from Mr. Jeanes that had been included in the proposed revised Statement of Cultural Heritage Value or Interest. Ms. Coutts advised that the references to the role of the “Macadamized road” in the development of the area; the identification of Sidney Fripp as the original architect of the house; the use of the “pinwheel plan” layout of the house together with the square capping of the intersecting rooflines; the importance of James Skead to the area development and his importance as a politician at the time; and the significant role of the monastery in the French Catholic community were all matters from Mr. Jeanes’ objection that enhanced the revised proposed Statement of Cultural Heritage Value or Interest.

### **Witness – Mr. Jeanes**

The Witness was sworn in by the Review Board. Mr. Jeanes reviewed his background as an engineer and area resident having been involved in local built heritage for ten years as a member of Heritage Ottawa. He reviewed his related activities in research and articles in built heritage publications. Mr. Jeanes’ evidence binder was accepted as Exhibit # 3.

Mr. Jeanes summarized the items of his objection to the original proposed Statement of Cultural Heritage Value or Interest. These involved the items noted by Ms. Coutts in her testimony and in re-examination that revised the text of the proposed Statement to achieve a more concise document. He noted how important the monastery was for the French Catholic district it served and closed his evidence by indicating that changes included in the proposed revised Statement satisfy his objections.

The other Parties declined cross examination of this Witness.

### **Case for the Owner/Objector**

Mr. Cohen advised the Review Board that the Owner’s original objection, included in the City’s evidence package, being Exhibit # 1, would be resolved with the agreed changes in the revised proposed Statement of Cultural Heritage Value or Interest. Mr. Cohen advised that he would not be calling any witnesses to present further evidence.

### **Public Presentations**

**Mr. Ficner** indicated he is an area resident, planner and architect. He advised that he was not familiar with the proceedings of the Review Board. He suggested that the whole site had more meaning than what was now being suggested in the revised proposed Statement of Cultural Heritage Value or Interest. He stated that the whole site provided an area of peace and a sense of mystery to the neighbourhood that should not be reduced by development on any part of the property. Mr. Ficner indicated that development on these lands should require changes to the Official Plan. The Chair advised that such Planning Act concerns exceed the scope of the Review Board.

**Mr. Coulter**, an area resident for 25 years and a member of a local community association, indicated the importance of preserving the views of the monastery and its passive nature from area sidewalks, paths and the elementary school on the West side. He also noted how the view of the prominent willow tree in the South end of the open rear yard of the property is important to the neighbourhood, as is the walking path along the East side of the property.

**Ms. Chapman** gave a personal sense of the importance of the monastery and of the nuns to the Catholic community in her own life dealing with the death of a family member. Ms. Chapman circulated large scale photographs of the rear yard of the monastery in summertime, which she described as an island of serenity. She referred to the comfort felt hearing the chapel bells for evening vesper prayers. She added that being part of this or other institutions is what makes a community important.

**Abi Lyon Wicke.** Mr. Charron gave the Review Board a letter dated 25 January 2011 from Abi Lyon Wicke, an area resident, which was accepted as Exhibit # 4. The letter spoke to the importance to the community of the natural landscape of the whole property and that it gave a context to the convent. The writer also noted the value of the views of the convent as a community landmark with an irreplaceable sense of place and history for the community. The author of the letter was unable to attend the hearing in person.

The Parties had no questions of the members of the public that had made presentations.

The Chair asked if the Parties were prepared to sign an agreed Statement of Facts reflecting their concerns and the agreed changes to the proposed Statement of Cultural Heritage Value or Interest. The Parties indicated the affirmative and accordingly asked for a recess. The hearing was adjourned at 12:00 noon to recess until the Parties had executed an agreement.

At 12:40 p.m., the Parties asked the Review Board to reconvene the hearing. Mr. Charron then presented the "Agreed Upon Statement of Facts" regarding the property, which, with initialled annotations, was signed on page three by all Parties. The signed document was accepted as Exhibit # 5.

The Chair thanked the Parties for their time and work in preparing their cases. The Chair also thanked the public for participating in the hearing and referred people to the Review Board website or to leave their contact information if a copy of the report was desired. The Chair adjourned the hearing at 1:00 p.m.

## **Findings of the Board**

### **1. Presentation of a Case**

Prior to the hearing, the Parties had met to discuss and resolve their differences. City Council had endorsed a revised Statement of Cultural Heritage Value or Interest at its November 19, 2010 meeting, which was presented at the hearing. As had been discussed at the pre-hearing conference held on 2 December 2010, the Parties opted to proceed to a hearing rather than have Council issue Notice of the revised Statement. The Parties arrived at the hearing prepared to draft and sign an Agreed Statement of Facts on the extent of the property to be protected and the associated heritage attributes/features including the monastery, house, and chapel, as well as certain perimeter grounds. The case was presented by the City and Mr. Jeanes and done so with the Owner's agreement that no separate evidence was needed from the Owner.

## **2. Evaluation of Cultural Heritage Value or Interest**

By the time of the hearing, the Parties had prepared what was considered to be a more concise and comprehensive description of the design/physical, historical/associative, and contextual values of this property than had been presented in the original proposed Statement of Cultural Heritage Value or Interest.

The Parties proposed at the hearing that the part of the property occupied by the monastery complex; the immediate peripheral grounds and walkways; a wide walkway from the East side of the monastery to the rear property limit; and a strip of treed land along the South and West property limit be protected under s.29 of the Act. This was further described, in summary, as follows:

**Design/Physical Value:** The house is a well constructed and well preserved example of an 1860s Gothic Revival style dwelling in this area. The early 20<sup>th</sup> century monastery and chapel, comprising the four sides to the cloistered central courtyard, are noted to be a unique area example of the style of Roman Catholic monasteries built across medieval Europe. The monastery additions were built in a simple style compatible with the basic features of the house and using similar materials.

**Historical/Associative Value:** This property is one of the typical 6-acre lots created in this area for “members of Ottawa’s emerging elite,” being primarily business people who could afford to build substantial houses on large lots on the periphery of Ottawa. The property has historical and associative value as an example of the work of the important confederation era architect, Sydney Fripp. The house is apparently the sole survivor of the many large dwellings built in the area as a result of the “Macadamization” of Richmond Road in 1853. It is also associated with the Honourable James Skead, an important politician and owner of a large sawmill operation, which was also in this area known as Westboro. Skead was the owner and resident of the house before the purchase by the Catholic Church for the monastery. Moreover, the 1910 purchase and 1913 addition of the monastery and the chapel to the original house enlarged the significance of the property in its history and broadened the community interest to include French speaking Catholics of the area. The scope of significant people and functions associated with the property reflects the community significance of this proposed designated property.

**Contextual Value:** The built improvements and history of the property are considered to have a unique and recognizable character in the area. While the urban development around the property is not linked to the proposed protected heritage attributes, those features now proposed for protection are considered to provide a significant landmark.

## **Discussion**

It is the conclusion of the Review Board, that the evidence presented by the City and Mr. Jeanes for that part of the property specified in Exhibit # 5 satisfies qualities in each of the three criteria categories of Ontario Regulation 9/06. The agreement among the Parties at the hearing carried substantial weight in the Review Board’s consideration of the evidence in this case.

The public presentations supported designation of the monastery complex as agreed to among the Parties; however, the presenters sought to designate the whole property. Their reasons included perceived conflict with the Official Plan, and the potential loss of public views of the monastery; as well as loss of the open grounds and certain trees as a result of development on lands not designated. They anticipated a lost sense of passive openness in the neighbourhood.

The Review Board considers these additional public concerns to be primarily of a landuse planning and recreational nature. It is acknowledged that the future treatment of the non designated lands will need to be cognizant of the impact on the heritage integrity of the proposed protected property.

On the basis of the combined evidence of the City and Mr. Jeanes, the "Agreed Upon Statement of Facts" among the Parties, and the lack of sufficient heritage based evidence to the contrary, the Review Board considers the protection of the property indicated in the plan attached to the "Agreed Upon Statement of Facts" to be sufficient to protect the identified cultural heritage resource.

As the recommendation of the Review Board is based on the evidence heard at the hearing, it can be concluded that the subject property holds sufficient cultural heritage value or interest as defined by Ontario Regulation 9/06 to be protected under s.29 of the Act.

### **Board Recommendations**

For the reasons given, the Review Board recommends that the Council of the City of Ottawa proceed to protect under s.29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended 2009, that portion of the property known municipally as 114 Richmond Road as delineated in the plan attached to the "Agreed Upon Statement of Facts" included in this hearing report as Exhibit #5.

It is further recommended that the City of Ottawa ensure that the final wording of the designation bylaw sufficiently identifies and describes the geographic extent of the property to be protected, and its heritage attributes, for purposes of the long term protection under the Act.

The Review Board recognizes that the final decision in this matter rests with the Council of the City of Ottawa.

*The Board appreciates the efforts of all participants in these proceedings.*

(ORIGINALLY SIGNED BY)

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Stuart W. Henderson, Chair  
23 March 2011

(ORIGINALLY SIGNED BY)

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Stuart Kidd  
23 March 2011



## **SCHEDULE 1**

### **EXHIBITS LIST**

- Exhibit 1: Document Folder of the City of Ottawa, including property Title extract from the Land Registry Office.
- Exhibit 2: Affidavit of the City of Ottawa to the Conservation Review Board regarding the Notice of Hearing.
- Exhibit 3: Document Binder of Mr. David Jeanes.
- Exhibit 4: Letter dated 25 January 2011 from Abi Lyon Wicke, an area resident.
- Exhibit 5: Agreed Upon Statement of Facts signed by the Parties and dated as 25 January 2011.