



Conservation
Review Board

Ministry of Tourism,
Culture and Recreation

Commission des
biens culturels

Ministère du Tourisme,
de la Culture et des Loisirs

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Conservation Review Board

IN THE MATTER OF Section 29(8) of the *Ontario Heritage Act* R.S.O. 1990 Chapter 0.18

- and -

IN THE MATTER OF the lands and premises known municipally as 893 Sangster Avenue ("The Cottage"), Lorne Park in the City of Mississauga

- and -

IN THE MATTER OF a reference to the Conservation Review Board for a hearing and report in respect of the intended designation of the above property in response to the objection by Georgina McKenzie

DECISION

The hearing of this matter had been scheduled for April 13, 1992. At the request of the objector it was rescheduled to June 9, 1992. Notice of the hearing was duly published and the Board attended at Mississauga on that date. With the consent of the City of Mississauga the matter was adjourned to a date to be agreed between the parties at the request of the solicitors for Mrs. Georgina McKenzie who advised that they had been retained only recently and needed additional time to prepare for the hearing.

The matter was finally heard by the Board on September 11, 1992.

The following solicitors appeared:

Miss Joan Brennan for the City of Mississauga.

A. P. Torgov for Georgina McKenzie with respect to the adjournment.

V. Ross Morrison for Georgina McKenzie with respect to the hearing.

The following witnesses appeared:

Mr. Mark C. Warrack, Heritage Co-ordinator for the City of Mississauga.
Mr. Graham C. Lobban, Consulting Engineer for Mrs. Georgina McKenzie.
Rita Mae Boyle, Land Economist and Appraiser for Georgina McKenzie.
Patricia Ward-Buston, Mortgage Broker for Georgina McKenzie.
Mrs. Gloria Kline for Mrs. Georgina McKenzie.

Mr. R. Farquhar, Chairman, Mississauga Local Architectural Conservation Advisory Committee was present, as well.

The Members of the Board attended at the property to inspect it as well as its context in the Lome Park Estates.

In addition, 21 exhibits were filed one of which, Mississauga's Exhibit Book, contained 24 separate items.

The City's Evidence

Mark Warrack reviewed the items in the Exhibit Book he prepared. They included extracts from the official plan, the secondary plan, the zoning bylaw, resolutions of Council, heritage reports, photographs, extracts from books on architecture, correspondence and reports as well as the draft designation by-law.

In addition, he introduced a series of exhibits related to ownership of the land, notice and heritage policy study.

The property is located in Lome Park Estates which was established in 1878 as a resort and amusement park. Lome Park Estates went through a series of versions until a plan dividing it into lots was registered in 1888. Most of the cottages were designed by Edmund Burke, an architect and an owner of Lome Park, as well as the designer of the Simpsons Store in downtown Toronto and Victoria College.

Lome Park was a country club for a time with a hotel as its focus. Today it is a private enclave similar to Wychwood Park, Clarendon Crescent or May Square in Toronto where the streets and public areas including parkland are owned in common by the owners of the individual properties.

The Lome Park Estates Association had requested the City in 1986 or 1987 to study Lome Park as a heritage conservation district but Council took no action to do so. The Association obtained its own consultant but at the present time no steps have been taken to designate Lome Park Estates as a heritage conservation district. "The Cottage" at 893 Sangster Avenue is identified in the Clarkson-Lorne Park Secondary Plan as being recommended for designation for its historical and architectural importance. It is stated to have been built at the turn of the century. The proposed designation, on the other hand, does not refer to historical significance. Mr. Warrack advised that "The Cottage" was built around 1920. In a heritage structure report by Ian W. Scott dated July 5, 1984 it is described as having been built between 1904 and 1920 and it is stated that the architect and builder are unknown. Mr. Warrack referred to the above report of Mr. Scott and it is useful at this point to quote portions of that report as follows:

Architect/Builder - Unknown

This two storey gabled roofed timber frame dwelling is finished with horizontal boards and shingles. Rectangular in plan, the house has a veranda on three of its sides and small one storey shed roofed addition on the rear wall. Two internal chimneys pierce the asphalt shingled roof. The generous veranda is carried on brick piers that extend upward beyond the floor forming pedestals supporting short wood columns and the veranda roof. The westerly or main entrance is approached by a short flight of steps and marked by a frieze of turned spindles. Directly above the entrance is a large glazed sun room or porch with a gable roof of equal pitch as the main roof. The gable end of this porch is accentuated by a low relief blind circular window. This porch was originally open with a decorative frieze consisting of turned spindles like those found on the veranda below. The present 12 light sash windows open and close by sliding in a horizontal direction.

The exterior finish of the first floor is horizontal board siding. The second floor has fish scale or hexagonal wood shingles and the end wall of the rear facade is covered with wood shingles laid in a staggered or offset pattern. Rectangular ventilators exist in both gable ends of the house. The second storey windows are distinct from the first floor in that the upper sash consists of repeated elongated lozenge-like panes with blue or gold glass in the remaining triangular comers.

The west and south facade entrances are two panel, ten paned, paired french doors set in plain wooden surrounds. Side entrances deviate from a general pattern and are situated in the corners of the elevations. A one panel, six parted door is on the south facade, a four panel entrance on the north; both have attractive screen doors animated with an abstract horizontal and vertical pattern wood strips set at right angles. A vertically boarded door provides access to the shed and a two panel, four paned entrance pierces the east elevation.

Stylistic Description

The large proportion and geometric volume, different wall surfaces and textures, the encircling veranda with spindled porch frieze, brick and wooden structural members, rectangular and circular gable ventilators, ten paned french-type doors, bay windows, sash windows with polygonal panes and coloured glass and the tall chimneys are all characteristics of the Queen Anne Style, popular at the turn of the century.

While not as complicated in form as more urban examples, this house represents a vernacular adaptation of the Queen Anne Style to a lakeshore context. Once many such homes and summer cottages filled lake communities as Lorne Park. In Mississauga, Lorne Park is the only surviving lakeshore community reflecting the late Victorian era and this house is one of the last remaining reminders of that tradition within not only Lorne Park but Mississauga as well.

Historical Description

Lorne Park opened as a 75 acre pleasure resort in 1879. In 1886 the Toronto and Lorne Park Summer Resort Company purchased the Resort and began to develop summer cottages in the park. The first plan of subdivision, Plan B 88, within which the present 893 Sangster Avenue is located, was registered in May 1888. Lots 2 and 4 had several separate owners until 1904 when the two lots were purchased together by Fred Kelk. Kelk probably built this cottage between 1904 and 1920. Kelk's estate sold the cottage in 1943.

Recent owners have continued to use it as a summer residence, the only one remaining in Lorne Park Estates.

Recommendation

It is recommended that "The Cottage" at 893 Sangster Avenue in Lorne Park Estates be listed on the Mississauga Heritage Inventory and considered for designation for its architectural and historical importance. Architecturally, "The Cottage" is a fine example of the vernacular adaptation of the Queen Anne Style. Architectural features of note include its large proportion and geometric volume, different wall surfaces and textures, the encircling veranda with spindled porch frieze, brick and wooden structural members, rectangular and circular gable ventilators, ten-paned french type doors, bay windows, and sash windows with polygonal panes and coloured glass and the tall chimneys. Historically, "The Cottage" is the last remaining summer residence in Lorne Park Estates, the only surviving lakeshore community in Mississauga to reflect the late Victorian and Edwardian eras. "The Cottage" is one of the last reminders of that tradition not only within Lorne Park but also within the City.

Mr. Warrack gave a response to the Notice of Objection dated December 12, 1991 filed on behalf of Georgina McKenzie.

Mr. Warrack referred to the official plan provisions relating to the preservation of heritage structures. He referred to the procedure for the approval of alterations.

In addition, Mr. Warrack described the Designated Property Grant Program available through the Ministry whereby Mississauga, through the Mississauga Heritage Foundation, administers a grant program providing funds of up to \$3,000 per year as a matching grant for restoration related to features referred to in reasons for designation. He advised that the funds are also available for replacement purposes and refers to a loan program providing for loans of up to \$4,999 to the owners of heritage properties for restoration projects.

He advised that "The Cottage" is the only property designated or proposed to be designated in Lorne Park.

Evidence for the Objector

Graham Lobban, a consulting engineer with Carson, Dunlop & Associates reviewed his 13 page inspection report. In summary, he concluded:

The overall condition of the home is considered poor. Updating or replacement of all major systems will prove necessary in the next few years.

The structure of the home is marginally adequate. Some repairs to structural members will prove necessary in the future.

The mechanical systems which are presently installed in the home are not considered adequate to provide year round living.

He described the following "major deficiencies":

Evidence of considerable rot was noted at both the east and west ends of the wood beam in the basement. The cause of the rot is likely due to elevated moisture levels in the basement Replacement of this beam with either a new wooden or steel beam is recommended.

The south wall of the home has bowed noticeably. This would appear to have been the result of movement and loads from the roof construction. The bow in this wall has also caused a corresponding sag in the south slope of the main roof. The cause of the movement is likely due to inadequate framing in this area. However, the visible evidence would suggest that there has been no recent movement. Corrective action in this area would require providing additional support and better securement of rafters to ceiling joists and exterior walls.

In addition, he identified minor deficiencies and reviewed the inadequacies in the building's systems.

He identified 24 separate items of major expenditures in his report, the most significant of which related to the basement walls and the conversion of the house from a summer cottage to a year round dwelling. Those costs which are intended to give an order of magnitude only and are subject to contractors' quotes are as follows:

- | | |
|--|-------------------|
| 1. Basement beam replacement | \$2,000 - \$3,000 |
| 2. Resupport roof framing and south wall | \$1,500 - \$2,500 |

3. Joist repair	\$ 200-\$ 400
4. Upgrade framing to modern standards	Cost depends on approach taken and extent of work
5. Basement stairwell replacement	\$ 500-\$ 800
6. Rewire home and upgrade to 100-amp service	\$5,000 - \$7,000
7. Upgrade electrical service to 200-amps (if necessary)	An additional \$ 500 - \$1,000
8. Provide conventional forced-air furnace with ductwork	\$8,000 - \$10,000
9. Provide chimney	\$ 800 - \$ 1,500
<p>Note: Allow an additional \$1,000 for high efficiency gas furnace, assuming gas available in the area. Chimney would not be necessary with high efficiency furnace.</p>	
10. Provide new water supply pipe to house	\$ 100 per foot (Allow \$2,000 to \$4,000)
11. Replace supply water piping in home	Perform with other renovations
12. Remodel bathroom	\$5,000 and up
13. Remodel and/or relocate kitchen	\$7,000 and up
<p>Note: Structural integrity of kitchen extension should be verified before any renovation work is undertaken</p>	
14. Insulate attic	\$ 800 - \$1,000

15. Insulate exterior walls, including finished drywall interior	\$10,000 - \$15,000
16. Window repairs	\$ 4,000 - \$ 6,000 and up
17. Fireplace and wood stove repairs	Dependent upon recommendation of specialist
18. Rebuild east chimney	\$ 1,200 - \$ 1,500
19. Provide sump pump	\$ 1,200 - \$ 1,500
20. Parge and damp proof exterior walls and provide drainage tile (if necessary)	\$12,000 - \$15,000
21. Gutter and downspout replacement (including fascia replacement)	\$ 1,400 - \$ 2,900
22. Repair rotted floor boards and deck in porch	\$ 600 - \$ 900
23. Replace rotted steps	\$ 600 - \$ 800
24. Repair/rebuild five porch columns	\$ 1,000 - \$ 1,300 (each)

He advised that most of the work was necessary in order to bring the building to year-round standards and that all the renovations could be done without destroying the heritage or architectural aspects of the building.

Rita Mae Boyle, Professional Land Economist and Appraiser, gave evidence and reviewed her 37 page appraisal report. She appraised the property at \$340,000 as of September 3, 1992. In her report she states as follows:

In summary, the overall condition is poor. The improvements appear to have almost outlived their useful life. The brick foundation is beginning to bulge inwards on the southerly wall. The bricks are deteriorating and are cracked in the south easterly corner. The main beam shows evidence of dry rot as well as the floor joists on the westerly side of the building. The majority of the

basement ceiling has been enclosed and therefore it was not possible to ascertain the condition of all of the floor joists but would suspect they are also suffering from dry rot. The walk up has been closed off, stairs to the basement need replacing. There did not appear to be any cross bridging between the joists and the spacing would not likely confirm to today's standards. The basement is damp. The roof shows evidence of sagging and the shingles need replacing. The eaves troughs require replacing and likely fascia and soffits. Plumbing and wiring should be replaced and brought up to today's standards, such as 100-amp service, new wiring, copper piping, plastic drains and the well should be serviced or hooked up to municipal water.

As this house was built for summer occupancy, there is no insulation or any form of energy efficient systems which would be required if it were to be utilized for year-round living.

The exterior has recently been repainted and looks quite attractive. However the veranda floor, steps and pillars all require extensive repairs. The chimney at the back of the house has deteriorated and should likely be removed. Many of the above mentioned items of deferred maintenance are consistent with the age of the dwelling and could be considered as normal wear and tear. However the cost to cure may prove to be greater than what the improvements are worth.

She identified the highest and best use as the continuation of the existing use for an interim period until such time as the house be totally renovated or demolished and a new home reconstructed on the site. She did state that the historical designation could negatively influence the market value of the property but, considering that factor as well as all other factors, her estimate of market value by the direct comparison approach was \$340,000.

Patricia Ward-Buston, an experienced mortgage broker gave evidence. She had not seen the property but was approached by Mrs. Kline, the daughter of Mrs. McKenzie, to advise with respect to whether financing could be arranged for renovations. She had a copy of the inspection report prepared by Mr. Lobban and advised that conventional lenders would not be prepared to do any mortgage financing of the property. She did not have a copy of Ms. Boyle's appraisal report. She said that a house on wells and septic as is the house in question, was not a suitable candidate for most lenders. Although funds would be available for mortgage purposes in Lome Park, the state of repair of the subject property would not give a lender sufficient confidence. Lenders were essentially interested in new financing rather than financing of existing renovations.

Mrs. Gloria Kline, daughter of the owner, gave evidence. She is a real estate agent. She advised that her family would go out to the property and stay there from mid-May to mid-October. Fire places and a jacket heater provided heat until mid-June. Her mother and father are now 92 years of age and have not gone to the property for the past 20 years. She produced a number of exhibits including many photographs. She advised that the well and pump are broken and that her mother has no intention of repairing them. The photographs she introduced showed deterioration and lack of repair in extensive portions of the house. She advised that her mother had no intention of restoring the property and has ceased to maintain it. Her brother takes care of the property. In very many respects, it does not comply with the standards and physical requirements that are expected in a contemporary year-round house and it was her view that it was not even suitable to be lived in as a cottage. She advised that the family was prepared to offer the building to the City if the City wished to relocate it at its expense and referred to other examples where buildings have been relocated. She advised that her brother takes care of the property and comes in and out of it on an consistent basis but that it has not been properly maintained for 20 years. She indicated that she does not know why her mother kept the house but that her mother opposes the designation.

It was her evidence that the value in the property lies in the land and not in the building and by imposing a heritage designation, the value of the land would be reduced. She did not agree that the house was worth saving. She said it is of no interest to her or to her mother or father nor do they intend to pay a further 5 cents on it.

Mrs. Kline's brother did not testify.

Issues

1. Should property which the public has no right to see be designated.
2. Should evidence as to architectural value or interest be admissible from a person other than an architect or an architectural historian.
3. Does a deteriorated state of repair of a building disqualify a property from being of architectural value or interest.

4. Does a possible reduction in market value disqualify a property from designation.

Findings

The Board finds that the facts relating to heritage value of the building are substantially as set out in report from Mr. Ian Scott referred to above. The Board finds that the building is in need of repair. If it is to be converted from its present use as a summer cottage to a year-round dwelling it will require substantial expenditures generally as set out in the report from Mr. Lobban. The roads providing access to the property are private streets and the public has no right to use them nor to view any part of the property.

Conclusions

Concerning the issue as set out above, we conclude as follows:

1. Just as the heritage value of a cultural object, such as a painting or artifact, is independent of the ownership of or public access to the object, so it is with real property. The historical or architectural value or interest of a property as referred to in s.29(1) of the Act is a function of the qualities pertaining to the property itself, not of the right of the public to view the property. In marginal cases however it may be that the issue of whether a property "should" be designated as referred to in s.29(12) of the Act may be assessed in the context of public accessibility.
2. The objector took issue with the admissibility of the evidence from the City's witness. That witness is not a graduate architect nor a graduate architectural historian and counsel for the objector urged that the evidence from the witness of an architectural nature, particularly relating to his opinion, was not admissible. The evidence of the witness related to architectural issues had been accepted previously by other panels of the Board. The witness gave extensive evidence of a factual nature which is admissible. The difficult question arises as to whether evidence of his opinion is admissible, for in a Court proceeding, opinion evidence other than from an expert qualified in the area related to the opinion, is inadmissible as hearsay. This Board is an administrative tribunal and not a Court. It is the Council of the City of Mississauga that makes the decision affecting the rights of the owner and not this Board. The essential

function of the Board as set out under the current *Act* is to conduct an inquiry and to make a recommendation based on the results of that inquiry, to the Municipal Council. Having in mind its inquiry function, the Board adopts a broader scope to the admission of evidence than would otherwise be the case. Nevertheless the Board must be conscious and is conscious that it is holding a hearing and hearsay of whatever nature must be approached with caution. In this case the Board takes note of the various exhibits that were filed by the witness of a factual nature including various reports and excerpts from publications.

Had the objector brought forth a qualified architect or an architectural historian as a professional witness, the Board would have had greater difficulty but in these circumstances, the objector brought forth no evidence of a professional nature that related to either the architectural or the heritage value of the property and the Board therefore accepts the evidence of Mr. Warrack.

3. A deteriorated state of repair of a building may in certain circumstances affect its architectural value, particularly if the elements that are referred to in the reasons for designation are absent or beyond reasonable repair. Further, the state of repair is relevant to the issue of whether a property "should" be designated. It would be futile to engage in the expensive and cumbersome designation process with its attendant consequences if that would be a clear waste of time. In this case the Board finds that the property has not deteriorated sufficiently to render it devoid of architectural or historical value or interest.
4. The issue of market value does go to the question of whether a property "should" be designated. There is little point in designating a property if, practically speaking, it is unfeasible to maintain the property for economic or market reasons. In this case there is not persuasive evidence that the property would be worth less if it were designated than otherwise and in any event the architectural and historic value, particularly having in mind the options of preserving the building, may out-weigh such considerations.

The City did not know the age of the building, its date of construction or its designer. In the opinion of the Board a rigorous search of available records normally yields such information and that information would be useful in order to assess the heritage value of the property.

From an historic point of view, "The Cottage" illustrates the development of summer cottages following the First World War. The structure reminds one of the history of the special types of dwellings that were erected in what were once remoter parts of Port Credit and New Toronto, as automobiles provided greater mobility to escape the City's summer. It may be thought worthwhile to preserve the last surviving benchmark example of this type of dwelling in Mississauga for historic as well as architectural reasons.

"The Cottage" is a distinguished example of the arresting Queen Anne style as applied to a frame building used solely for retreat in a private vacation setting. It remains true to its original use even though it is now surrounded by either converted or new structures used as principal year-round residences. Years of neglect have taken their toll, restoration would be expensive and conversion to a year-round dwelling would be even more costly.

The Board notes that the property contains two registered lots. It would appear that "The Cottage" is located on one of these lots and the other is vacant or substantially vacant subject to a possible encroachment. Consequently there may be ample opportunity to expand the existing building or to construct a new home on the other vacant lot constituting part of the property. If concessions are needed from the City or from Lorne Park Estates to do so then, in the interests of heritage preservation, presumably those concessions would be made.

An issue has been raised as to whether the building could be moved to a new site. Generally such a step is not considered to be good practice by architectural historians but if it is the only solution in this case then it is worthy of consideration. The building itself is not a type of structure that was designed to be intimately related to its physical context. Similar buildings were plunked down in numerous locations. The building could be moved with less adverse impact on its architectural value than might be the case of other types of buildings.

In the opinion of the Board, based on the evidence before it, "The Cottage" is worthy of preservation for its architectural value and interest. It may, as well, be worthy of preservation for its historic value as suggested by Mr. Scott in the above report but designation for historic value is not currently proposed by the City.

Recommendations

The Board recommends that:

1. The property be designated for its architectural value and interest.
2. That consideration be given to designating it for its historic value or interest.
3. That consideration be given to incorporating the existing structure in a larger home, if that is proposed by the current or subsequent owner.
4. That consideration be given to permitting development on the remaining lot if that is necessary to preserve "The Cottage".
5. That consideration be given in the event that the building is at risk, to relocating it.

(Original Signed by)

Michael B. Vaughan, Q.C.
Chairman

Jim Anderson
Member

Dated January 14, 1993