

1. Introduction

1.1 Outline of the Report

The chief objectives of this heritage conservation district study are:

1. to identify and evaluate the historical and architectural qualities of the East Annex;
2. to propose methods by which the Toronto Historical Board and the City of Toronto can effectively protect those qualities;
3. to develop design guidelines which clearly define appropriate change, whether it is for altering existing buildings or for new construction;
4. to recommend efficient implementation and management procedures.

The study recommends the creation of a Heritage Conservation District under Part V of the Ontario Heritage Act and it provides planning and heritage rationale for the designation.

The study includes a District Analysis of the East Annex (Section 2) which contains both a historical overview and a built form analysis of the study area. The built form analysis defines the boundaries of the District proposed for designation and includes an examination of the buildings, streetscape character and current planning controls.

The District Analysis is followed in the study by a more detailed analysis of each of the individual streets within the study area (Section 3). This analysis was undertaken to identify the unique characteristics which can be attributed to each street as a sub-area, or precinct, within the area, and again to clearly delineate the appropriate boundaries for the proposed District.

The final section of the study (Section 4) contains the management strategy for implementing the district.

In addition and as part of the study a computer data base was prepared with archival and built form descriptions of each of the properties within the study area. The archival information included for each property is the estimated or established age of the building, any building permit documentation, pattern of ownership and record of alterations if available. Sources for the information are listed in the data base. This data base is accompanied by a record photograph of each property, with both an 8" by 10" black and white print and a medium format negative. This background material is retained by the Toronto Historical Board, with the negatives stored at the City of Toronto Archives, and it is not included within the study.

1.2 Background to the Study

The Annex is a unique neighbourhood in the City of Toronto with a well defined urban character of treed avenues with attractive, predominantly Romanesque Revival houses. This urban character of the Annex has had strong community recognition and support even before the 1920s when the ARA² was founded. A survey conducted by Ryerson students in 1990 showed that issues of urban character continue to remain important to Annex residents. In that survey the 260 respondents stated that important issues in their neighbourhood were the desire to preserve architecture (80%), the need for more trees (81%), and the importance of the quality of life (85%).³

When the Ontario Heritage Act was first introduced in 1976, the Community History Project suggested the Annex area as a potential heritage conservation district. The City of Toronto, however, recognized that the Act contained a number of potential implementation problems which might affect the operation of a designated district and was reluctant to proceed with large heritage conservation district designations. On the advice of the Toronto Historical Board, the City of Toronto designated two smaller districts - Wychwood Park and Fort York - to test the ease of implementation of designation by-laws. The operation of these two districts has demonstrated that the Ontario Heritage Act, even with its limitations, can be an effective tool for the conservation of areas of architectural and historical importance.

² The ARA originally stood for the Annex Ratepayers Association and now stands for the Annex Residents Association.

³ The Annex Towncrier, July 1990, page 11

Following these two pilot districts, Wychwood Park and Fort York, the Toronto Historical Board decided to undertake two further district studies to determine whether the areas, or portions of areas, defined as the East Annex and the University of Toronto should be recommended for district designation. On June 25 and 26, 1990, City Council adopted a report of the Toronto Historical Board (Clause 6, Report 8 of the Neighbourhoods Committee) which recommended the East Annex be considered for designation.

On August 13, 1990, City Council passed By-law No. 453-90 which authorized the undertaking of the present study. On April 24, 1991, the Toronto Historical Board approved the terms of reference for a consultant study, and the study team was selected in the summer of 1991.

1.3 The Boundaries of the Study Area

As originally defined by City Council, the study area included the properties facing the streets of Bernard Avenue, Tranby Avenue, Boswell Avenue, Elgin Avenue, Lowther Avenue and Prince Arthur Avenue, extending from Avenue Road to Bedford Road. The properties on the west side of Avenue Road, the south side of Davenport Road, and the east side of Bedford Road were also included in the study area. At the request of the study team, the boundaries of the study area were amended to include the west side of Bedford Road. This amendment was requested so that the character of Bedford Road could be fully examined during the study, and this amendment was approved by City Council.

There were several reasons for a study area as defined by City Council. The chief reasons were that a larger area, such as the whole Annex, would constitute a more ambitious study than could be undertaken at this time, the East Annex was a clearly recognized sub-area, containing the oldest structures, and was the most affected by development pressures.

Development pressures were most obvious with the proposed demolition of the buildings at 5 and 7 Lowther, and in part this pressure made the selection of the East Annex a priority over other residential neighbourhoods which might also have been considered for heritage district studies.

One of the tasks of the study is to delineate the boundaries of a potential Heritage Conservation District within the study area, as it was defined by City Council. The boundary of the proposed recommended District is somewhat smaller than the boundary of the study area and the rationale for the final boundary outlines is provided in the body of this study.

1.4 Achieving a Heritage Conservation District

1.4.1 The Ontario Heritage Act

The Ontario Heritage Act is the provincial act which regulates the protection of heritage within the province.

Individual Designation

Part IV of the Act gives the municipality the responsibility for the designation of individual properties as properties of architectural or historical value or interest. The City of Toronto has designated over 400 properties under Part IV of the Act⁴.

District Designation

Part V of the Act gives the municipality the responsibility for the designation of areas as Heritage Conservation Districts. The City of Toronto has, at present, designated two areas, Fort York and Wychwood Park. A further section of the Act, Part VI, deals with archaeological resources, but this Part is not delegated to municipalities and remains the responsibility of the Minister of Culture, Tourism and Recreation.

The procedure for designation of a District under Part V, as outlined in the Act, is as follows:

the Municipality defines by by-law an area or areas to be examined for future designation and consults with its Local Advisory Committee regarding the by-law;

the Municipality, after examination of the study area, may designate by by-law a heritage conservation district;

the Municipality informs the Ontario Heritage Foundation and the Ontario Municipal Board of the designation. Only after a hearing held by the Ontario Municipal Board and receipt of the Board's approval, does the municipal by-law come into effect.

This study constitutes the examination of the study area, and provides the Toronto Historical Board with the information upon which to advise City Council regarding the adoption of a designation by-law.

⁴ In addition, and prior to the creation of the Ontario Heritage Act, the City of Toronto began to develop an Inventory of Heritage Properties, a list which includes the designated properties and some 4,000 other individual properties which are recognized for their heritage significance. All of these properties are potential candidates for consideration for designation under Part IV of the Act. In this report properties included on the City of Toronto's Inventory of Heritage Properties are referred to as 'listed' properties.

Toronto Historical Board Role as City Council's Advisory Committee

Designation under either Part IV or Part V implies that the municipality, with the advice of its Local Architectural Conservation Advisory Committee, must review and approve all changes to the designated property to ensure that its heritage character is protected adequately. In the City of Toronto the LACAC is identified by Council as the Toronto Historical Board.

Control over Alterations and Demolition

Designation under the Ontario Heritage Act gives City Council authority not to permit proposed changes which are considered to adversely affect the heritage value or interest of a property. However designation does not prohibit demolitions. It does allow City Council the authority to delay the issuance of demolition permits, giving a brief period of time for discussions with the property owner.

Bill PR 57 Legislation

The demolition control under the Ontario Heritage Act has been strengthened somewhat by an amendment to the City of Toronto Act (Bill PR 57) which allows Toronto City Council to withhold demolition permits longer than the period stated in the Ontario Heritage Act, if the property is a designated heritage property and no valid building permit for new construction has been issued. The intent of this amendment is to discourage demolition when no replacement building is being proposed.

Ontario Heritage Act Review

The current Ontario Heritage Act is under provincial review. The City of Toronto has provided comments on possible revisions to Part V of the Act, and these have been summarized by an earlier Toronto Historical Board report⁵. *As a recommendation of this study, these revisions to the Act, which have been previously recommended by the Toronto Historical Board, are re-endorsed.* The Toronto Historical Board has asked the Legal Department of the City of Toronto to comment on how the Act can be implemented efficiently in regard to heritage districts, given the existing legislation.

Throughout Ontario twenty-seven heritage conservation districts have been implemented under the current Ontario Heritage Act. *It is a general recommendation of this study that district designation under the current legislation be pursued to protect the heritage character of the East Annex.*

⁵ Toronto Historical Board report prepared by Robert Truman and Associates (October 31, 1990 - *Review of Issues - Wychwood Park Heritage Conservation District*)

1.4.2 The Planning Act

While heritage conservation falls under the Ontario Heritage Act, municipal objectives are also met through other legislation, and it is appropriate that the various municipal policies complement and support each other. The Planning Act affects heritage conservation through various means, through zoning and Official Plan Policies, through the activities of the Committee of Adjustment, and through the decisions of local area planners in the site plan review process.

Zoning and Official Plan Policies developed under the Planning Act should support the proposed district designation. Specifically the zoning by-law should not encourage the replacement or alteration of existing buildings which are identified as having heritage significance.

After their review of the Wychwood Park Heritage Conservation District, the Toronto Historical Board recommended that closer coordination between heritage objectives and existing planning controls should be encouraged. In particular the Board recommends that Heritage District Plans be prepared as amendments for inclusion in the Official Plan. A general policy regarding heritage and a definition of "Areas of Heritage Identity", (comparable to the current provision for Areas of Special Identity), is also being encouraged for inclusion within the Official Plan. Such amendments would ensure greater coordination between heritage and planning policies.

A number of policies have been specifically added to the Official Plan for the City of Toronto to encourage the preservation of heritage buildings. A review of these policies and their impact on the East Annex are included in the District Analysis section of this study.

1.4.3 Other Municipal Mechanisms for District Conservation - Landscape

A weakness in the existing Ontario Heritage Act designation of heritage districts is the available protection for landscapes. The legislation does not clearly state that protection of trees, open space, or components of a landscape, other than buildings, is covered under the Act, and this is one aspect of the Act which is under review at the present time.

In the Wychwood Park Heritage Conservation District, where landscape is a very important component of the District's character, an amendment to the City of Toronto Act is being considered as a technique to provide additional protection for landscape features. This could be done by extending to heritage districts the powers already available to designate ravines for the protection of vegetation and contours.

An alternative method of protecting landscape features which might be considered is the Trees Act, but at this time this legislation grants powers prohibiting the destruction of trees only to Regional Municipalities, not to local municipalities.

City trees are protected by By-law 319-69 and a fine of up to \$2,000.00 may be imposed for damage or removal. Other costs including tree value and replacement must be paid by by-law offenders as well.

This study has found that much of the visible landscape within the East Annex area derives from trees which line the streets, and which are under City jurisdiction. The more complex matter of the protection of rear yard trees is difficult for a heritage district study to address because they are seldom visible to the public. While removal has been identified as a neighbourhood concern it is not possible for their individual heritage value to be assessed in this study, nor can a mechanism be clearly outlined which would fully ensure their preservation. Suggested guidelines for additions, alterations, and new construction, as recommended within this study, may assist with retention of some of these rear yard trees, and the maintenance of the semi-private open space within the interior of the blocks.