

**Submission to the Community Advisory Committee on Planning:
Agenda Item 5.3: Heritage Alteration Permit application for 39 Carfrae Street**

This submission is on behalf of the former owners of Carfrae Cottage, the trustees of the estate of Alan Beck. We sold it in 2021, first adding the Heritage Easement Agreement (HEA). We respectfully request that our submission be provided to the Community Advisory Committee on Planning for its consideration.

We fully support the recommendation in the Staff Report and recognize that it is up to the City to interpret, apply and enforce the HEA. Indeed, the City has the expertise, power and obligation – not us. Our submission focuses on providing some context, particularly regarding our reasons and goals for entering into the HEA.

We sold the house after our parents Alan (December 2020) and Julia Beck (December 2012) passed away. As their children, we took steps to honour their fervent wishes that Carfrae Cottage's heritage be respected and treasured for future generations.

Our parents' wishes: Our mother in particular, Julia Beck, was passionate about heritage and well respected in London and Ontario for her expertise and degree of involvement, including being awarded the Lieutenant Governor's Heritage Award for Lifetime Achievement (2008) and being named to the Mayor's New Year's Honours list in 1990. Our mother considered Carfrae Cottage one of the best examples of such cottages, not just for its architecture per se but the enriching accompanying history.

Our parents made Carfrae Cottage their home from 1998 until their deaths. They cherished its heritage and ensured that any repairs and alterations lovingly respected and, indeed, enhanced the house's heritage. For example, in 2001, they paid \$18,000 for a wood shake roof which had a 50 year warranty.¹

Our parents had been concerned that future owners might try to modernize Carfrae Cottage and, in so doing, destroy key heritage attributes. Our mother spoke a number of times to us about this, especially about heritage protections for the fireplace mantles, emphasizing that while the one in the west parlour was not original, it was important that it was sympathetic. Updates to rooms such as the bathroom and kitchen were not seen as problematic.

Entering into the HEA: Our first step was a private sale advertised only by the Architectural Conservancy of Ontario, thus attempting to limit the pool of potential buyers to those who had the same love of heritage and who thus desired to conserve Carfrae Cottage. However, we knew that we could not read buyers' minds, let alone predict changes or future buyers.

In seeking to further protect the property we found out about HEAs. We initiated the HEA with the City for two reasons: firstly, it provides legal enforcement tools and, secondly, so as to protect additional key features not in the 1988 Heritage Designation.

We fully expected that adding an easement, particularly a HEA, would lower the market value of the house but we were happy to do so to protect Carfare Cottage. We also thought that it would narrow the field of buyers to those truly interested in preserving the heritage attributes and did not foresee enforcement issues. We believed that this limited group of buyers would find the HEA reasonable – and most of those who saw the house had no issue with the HEA.

None of us are heritage experts; we worked cooperatively with the City by showing the house, providing relevant documents concerning the architecture and history of the house and ensuring that the HEA did not include items that were not particularly important and might unduly limit the scope of what could be done by future owners. However, it is our fervent view that what the HEA seeks to do is not to simply protect physical features of the house which have remained unchanged since it was built or at some other unspecified "magical" time. Instead, it seeks to protect a rich heritage, both architectural and cultural. Thus, the protection of a fireplace mantel that was not original but in a sympathetic style is entirely appropriate, as is the protection of the wood shingle roof.² Certainly, the roof was not made of asphalt when the house was built! Our parents reverted to wood to respect the history and character of the house.

¹ See pp. 5-10 of the Heritage Alteration Application, i.e., Duo's 2001 wood roof proposal etc. (We do not have any receipts etc. as we left all that we found for the new owner, without having time to read them.)

² The HEA uses "wood" not "cedar" except for the porch roof. Similarly, the Scotch thistle whose interesting provenance has been featured in pamphlets. Such attributes enrich the house and London.

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HEA and its disclosure: The HEA is very clear through both descriptions and photographs about what is protected and what is not, particularly regarding the wood roof (subject of this Application) and the mantles (in Jeff Gard's submission to the Committee).

All potential buyers were provided with a copy of the draft HEA in response to expressions of interest and prior to viewings in early April. Its terms were accepted in an Agreement of Purchase and Sale signed April 16 had an appendix concerning the Heritage Designation and HEA which including the following:

The Purchaser acknowledges and accepts the provisions of that Designation and Easement and agrees that the subject property is or will be bound by its terms and conditions.

The HEA was registered on title May 19, 2021, with sale completed June 25, 2021.

The purchaser thus had full knowledge of the terms and conditions of the HEA from the beginning; indeed, even before it was finalized with the City. The prospective purchaser was fully at liberty to inspect the house and take issue with the type of wood roof or other matters addressed in the HEA prior to finalizing the purchase; that would have been the appropriate time, not now. Jeff Gard, as a realtor since 1989,³ should be more aware than the average buyer of the significance of:

- an easement, including that a new one likely significantly lowered the house's value (and thus to some degree compensating for extra costs of maintenance and repairs);
- doing (or not) an inspection, especially if there are any concerns about the state of the property or statements in the HEA;
- the approximate relative costs of an asphalt roof vs. a wood roof.

Current circumstances regarding the HEA: The application of the HEA must consider context. In this case, the owner has clearly replaced the fireplace mantles without involving the City, as required in the HEA. The points made regarding this action should have been made to the City ahead of time rather than after the fact, when the changes were reported to the City and action taken. Jeff Gard's presentation notes similar actions with respect to, for example, the fence and thistle.

We fully support the Staff Recommendation that the permit not be granted without additional proof of other quotes for a wood roof and/or for "alternative material that seek to replicate or mimic the material and aesthetic qualities of the existing wood roof", and that the City and owner should work together. We think it especially important in the case of an Applicant whose past actions have been to act unilaterally. Even for the current quote nothing suggests that the colour chosen will be similar to that of a wood roof. The Application presents only two extreme quotes whereas the presentation (p. 22) contains references to two considerably lower quotes for a cedar roof as well as the statement that "a composite shingle roof is similar pricing". These options should have been provided and discussed with the City; while they are notably higher than an asphalt roof, they do not seem unreasonable given the 2001 cost of the wood roof (\$18,000).

We are concerned that allowing the owner to proceed without sufficient proof and guarantees of an appropriate material and aesthetic qualities will not only lead to downgrading the heritage value of Carfrae Cottage, it could be an unfortunate precedent. At the time of the HEA's approval, it was the only one for the City of London for a house rather than an institution. As homeowners, we voluntarily entered into it knowing that we likely decreased the market value of the house. Other homeowners will be reluctant to follow suit if this one is not enforced, while those who seek to ignore the terms of a HEA or Heritage Designation may well feel emboldened to do so, particularly as Jeff Gard has made his disagreement with the City so public and given his occupation.

All of which is respectfully submitted,

Helen, James and Graham Beck

Appendix: Brief comments on Jeff Gard's submission from James Beck

³ [Jeff Gard, Sales Representative , Royal LePage Triland Realty | Royal LePage](#). We dealt only with David Caloren, noting that both are listed as owners in the Heritage Alteration Permit Application Form.

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Appendix: Brief comments on Jeff Gard's presentation from James Beck

The owners' approach and attitude seems to be that putting in a lot of work and money into parts of the house that are not protected by the HEA should allow them to ignore the HEA where they wish, and then use misleading issues or minor concerns to argue that work should be allowed after the fact.

The presentation begins with "Truthful, Accurate, Factual" and ends with "Reasonable".

The presentation has a number of inaccuracies which serve to counter their arguments that the HEA should be disregarded due to minor issues. For instance, they identify that the HEA references shingles rather than shakes. But, at p. 24, they also incorrectly suggest that the City (presumably the HEA, since that is what this is reviewing) makes claims regarding the house's features that a simple search of the HEA will confirm are not in the HEA.

We would submit that the City has been reasonable (as demonstrated by the approval of the white picket fence -- in spite of the claims that they "already had a picket fence", the existing fence was not nearly as extensive as the new fence; and there is no evidence of missing sections (the fence had recently been rebuilt at the front with a wood fence rather than composite).

However, the alterations to the HEA that are being sought regarding the roof and the fireplace mantels and surrounds are beyond reasonable. The house was sold with a functioning HEA; there was no assertion that the fireplaces were useable. Seeking to make them so should have been done in cooperation with the City so as to ensure that the HEA was respected.