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D. Menard:

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	DEMOLITION REQUEST FOR 420 FANSHAWE PARK ROAD EAST BY D. CHIU PUBLIC PARTICIPATION MEETING ON TUESDAY, NOVEMBER 4, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner the following report **BE RECEIVED** and actions identified **BE TAKEN**; it being noted that the London Advisory Committee on Heritage has been consulted on this request.

1. That the Chief Building Official be advised that Municipal Council consents to the demolition of this property and does not intend to issue a notice of intent to designate the property under *Section 29 of the Ontario Heritage Act*.
2. That, prior to a demolition, the owner provides a photographic record of the building and the site.
3. That, as part of the demolition or removal, salvageable heritage materials be conserved for future use where appropriate.
4. That the owner be requested to acknowledge the historic associations of the property in a future redevelopment of the site through interpretive signage or some other manner.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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2010-04-21: Information Report to Planning Committee: **Demolition Application for 420 Fanshawe Park Road East**
 2007 November: Report to Planning Committee - **Potential Property Acquisition - 420 Fanshawe Park Road East**

BACKGROUND

The property at 420 Fanshawe Park Road East is located on the north side of Fanshawe Park Road east between Hastings Drive to the west and Philbrook Drive to the east. (Appendix 1)
 The property contains a two storey brick and stone clad structure built c. 1880 with several additions over the years. It is listed on the 2005 *Inventory of Heritage Resources* as a Priority 3 structure built in the Victorian style.

A request for its demolition was submitted by York Development on September 11, 2014, on behalf of the owner, D. Chiu. Requests for demolition of listed properties are required to be resolved by Municipal Council within 60 days or approval is deemed to have been given. The current condition of the building is not known although it is understood that the building has been vacant recently. At the time of the request for demolition, no building condition assessment was provided by the owner or agent, nor were plans for the future redevelopment of the site provided.

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The London Advisory Committee on Heritage was asked to consider the request for demolition at its meeting on October 8, 2014. Its comments will be provided to PEC at the PEC meeting of November 4, 2014.

Previous Council Direction re the Acquisition of the Property for Park Lands

In November, 2007, the City was invited by the owners at that time to participate in the purchase of the property for use as a public park. Responding to a report to Planning Committee, Council resolved at its meeting on November 19, 2007 "That, on the recommendation of the General Manager of Planning and Development, with the concurrence of the Manager of Realty Services, NO ACTION BE TAKEN to acquire 420 Fanshawe Park Road East for public parkland. (115-02) (6/31clBC) (5/30/CW)

Previous Demolition Request

In 2010, the current owner, D. Chiu, sought consent for the demolition of the property and the construction of a new residence on the site. At that time, drawings for the proposed new residence were submitted as part of the application. That application was under consideration by the LACH when the demolition request was withdrawn on the owner's instruction to his agent. At that time, the LACH was debating whether or not the existing building merited protection by designation under *Section 29* of the *Ontario Heritage Act*. With the withdrawal of the application, the LACH, and staff, did not reach a conclusion about designation.

Worthiness for Designation

In the staff report presented to Planning Committee in 2010, the matter of designation was raised. Regulation 9/06 with respect to *Section 29* of the *Ontario Heritage Act* establishes that designation requires a strong emphasis on at least one of three broad criteria - design value (architectural), historic association and contextual relationships to surrounding properties.

With respect to its design values, the "handsome two storey" building, as it was once described, has been altered considerably both on the exterior and the interior by various owners over time. While it remains an impressive building, it does not exhibit a clear "style". This may be the reason why the Inventory listing identified the property as a Priority 3 structure.

In terms of its historic associations, the property, perhaps, has a stronger claim to designation. The land on which the building is placed was once tied to the pioneer Geary family tracing its roots to the period after 1818 when Richard Talbot brought Irish settlers to what was then a part of London Township. Family members in subsequent generations were important in the development of the London economy and culture in the nineteenth and twentieth centuries. In more recent years, the residence was home to the Rubinoff family, noted for its involvement with the development of the Stoneybrook subdivision, the Holiday Inn chain in Canada and the White Oaks Mall. More recently, from 1956, the residence was home to Nancy and Bill Poole who have, and had, notable connections to the London cultural and legal communities respectively.

The third criterion for designation relates to the building's contextual value if it is important in defining the character of an area, or is physically or historically linked to its surroundings or is a landmark. The structure at 420 Fanshawe Park Road has lost much of its contextual value as the area around it has become more developed with the (new) Stoneybrook subdivision. However, it may still be considered a local landmark in the area specifically with respect to its park like setting within a heavily treed landscape, although that same park like setting and the existing fence along Fanshawe Park Road somewhat obscure the sight lines to the property.

In summary, while there are elements of the required criteria for designation, particularly with respect to historic associations, staff is of the opinion that such elements are not strong enough to support its designation under *Section 29* of the *Ontario Heritage Act*.

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Conclusion

Without a recommendation to designate the building under *Section 29* of the *Act*, municipal Council’s options with respect to the demolition request are limited. It may consent to the demolition or removal of the building and notify the Chief Building Official accordingly. In the absence of a Demolition Control By-law, it does not have the ability to attach conditions related to the issuance of a building permit or a site plan agreement. A recommendation to refuse the request is possible but can be challenged at the Ontario Municipal Board.

It is recommended that municipal Council consent to the demolition request and notify the Chief Building Official accordingly so that a demolition permit may be issued. It is also recommended that the owner or agent provide a photographic documentation of the property for future reference. Further, it is recommended that the owner salvage for reuse elsewhere heritage materials. Finally, it is also recommended that a future development of this site recognize in some manner the historic associations of the property to its previous owners. Such could be achieved through the use of interpretive signage or the reuse of existing building materials for a commemorative installation. Consultation with staff and the LACH would be appropriate in this regard.

PREPARED BY:	SUBMITTED BY:
DON MENARD HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

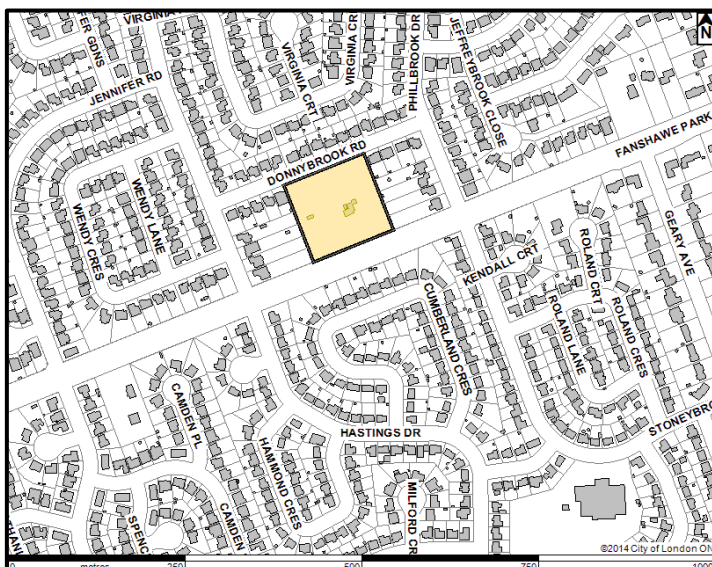
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Attach: Appendix 1- Location Map; Appendix 2- Photos

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Appendix 1: Location Map - 420 Fanshawe Park Road East



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Appendix 2: Photographs (additonal photos will be presented at PEC)

