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<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON NOVEMBER 2, 2015</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>REQUEST FOR DEMOLITION 759 ELIZABETH STREET D. PARTELAS / C. TSIROPOULOS</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of a heritage listed property located at 759 Elizabeth Street, the following report **BE RECEIVED** and that the following action **BE TAKEN**:

That, notice of Municipal Council's intention to designate the property located at 759 Elizabeth Street to be of cultural heritage value or interest **BE GIVEN** for the attached reasons under the provisions of subsection 29(3) of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*; it being noted that the owners of the property have not concurred with this request.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The recommended action would designate the property pursuant to Section 29 of the *Ontario Heritage Act*.

<b>BACKGROUND</b>
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The property at 759 Elizabeth Street is located on the west side of Elizabeth Street, south of Oxford Street East at Plan 435, Lot 17, Part Lot 18. It is opposite the parking lot for the A Block building at Wolseley Barracks. (Appendix 1)

The property was added to the City's *Inventory of Heritage Resources* as a Priority 1 property by Municipal Council in 2010 after evidence was presented that the property might date to the 1820s which, if proven, would make it the oldest residence in London.

A request for the demolition of the property was submitted by the owners on September 09, 2015. A request for the demolition of a listed property must be resolved by Municipal Council within a 60 day period and must provide for a public participation meeting before the Planning and Environment Committee and consultation with the London Advisory Committee on Heritage.

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D. Menard

### The Property

The building for which demolition is requested is set back from Elizabeth Street and its front façade faces towards Adelaide Street North. Immediately to the west of the building is a lane accessible from Oxford Street East.

The residential building is a small, hipped roof cottage in a Regency style, with a rear sloped roof extending to the east. It is primarily clad in white (buff) brick which has been painted white but a possible later addition to enclose a mud room features a painted wood siding.

### PLANNING HISTORY

Section 2.6.1 of the *Provincial Policy Statement (2014)* directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” “Significant” is defined in the *Provincial Policy Statement (2014)* as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people.” The objectives of Chapter 13 (Heritage) of the City of London’s *Official Plan* comply with these policies.

Therefore, an evaluation to determine the cultural heritage value or interest of 759 Elizabeth Street is required to ascertain the property’s eligibility for designation under the *Ontario Heritage Act*.

### ANALYSIS

All heritage designated properties are included on the *Inventory of Heritage Resources*. In addition, Municipal Council may include properties on the Register that it “believes to be of cultural heritage value or interest.” These properties are not designated, but are considered to have potential cultural heritage value or interest. 759 Elizabeth Street is considered to have potential cultural heritage value or interest as a heritage listed property. The property was added to the Register by Council direction in 2010.

The *2006 Inventory of Heritage Resources* clearly states further research is required to determine the cultural heritage value or interest of heritage listed properties. As such, 759 Elizabeth Street was evaluated using the mandated criteria of *Ontario Heritage Act* Regulation 9/06. Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

- i. Physical or design value;
- ii. Historical or associative value; and/or,
- iii. Contextual value.

A property is required to meet one or more of the abovementioned criteria to warrant protection under *Section 29* of the *Ontario Heritage Act*.

Basic research was undertaken to complete the evaluation of 759 Elizabeth Street. The property was observed on September 22, 2015 at the invitation of the property owner. This research also included information provided by the owners.

A summary of the evaluation of 759 Elizabeth Street is provided below:

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D. Menard

### Physical or Design Value

The residence at 759 Elizabeth Street is believed to have been built pre-1861 in the Regency style. The basis for this date is related to a reference to a brick cottage being on this site in the 1861 census. If so, the structure is an early example of this style. The 2006 *Inventory* identifies only twelve defined “Regency” cottages, of which only two predate 1850. In total, the 2006 *Inventory* identifies approximately 90 residential properties that predate 1860.

As an early farm residence, it retains some original elements associated with an early vernacular Regency cottage. These include the shallow hipped roof, the front doorway with transom, the common height of the door and window on the front façade, the flat line of the window voussoirs, the small paned 6/6 windows with muntins and the symmetry of the façade and the chimneys. The triple brick construction, too, indicates an early date. Some interior mouldings are reflective of an early building as does the presence of sawn timber in the floor joists.

It should be recognized that the building has been altered over time. The front porch is of relatively recent construction although may replicate an earlier porch. A later addition has been made to the rear and, perhaps, still later, an addition has enclosed an entry area at the rear.

(Appendix 2- Photos)

### Historical or Associative Value

While the original builder is not known, it is logical to infer that he may have been Charles Henry as the patent to the north half of Lot 12, Concession 1, former London Township, was granted to him in October 1832. Henry had been located on this land by Thomas Talbot in 1818. Henry later subdivided his land holdings and had even registered a plan of sub-division in 1861 although this was later cancelled in 1880.

Henry sold his 75 acre farm to William and John Carling in 1864. Sir John Carling was a prominent 19<sup>th</sup> century London businessman and politician whose land holdings to the east would later become home to Wolseley Barracks. Note that Sir John Carling is not believed to have lived at this property.

Sir John Carling subdivided the north half of Lot 12, Concession 1 into blocks in Plan 386 with a further re-subdivision of Block D in Plan 435. Plan 435(dated 1904) is unusual in that it shows a house, 30' x 32' in size sited deep within and spanning Lots 17 and 18. In 1906, Lots 17 and 18 were sold by Carling to James Price. James Price was an engineer with the CPR and his father, William Price, a bugler with the Royal Canadian Regiment stationed at Wolseley Barracks.

759 Elizabeth Street has been in the family of former owner, Jean-Marie Ross (McKeown) MacKinnon, for many years according to the oral history shared by Jean-Marie MacKinnon. According to this family narrative, her great-grandfather, William Price, bought the property from Sir John Carling, or his estate. This oral history affirms the building certainly dates from the 1870s or 1880s. Initials etched on a window pane may corroborate that it was present in 1875.

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D. Menard

In terms of historic associations, the brick farmhouse appears to have a direct association with Charles Henry, one of the early pioneer settlers in the former London Township and an indirect association with Sir John Carling.

### Contextual Value

759 Elizabeth Street is somewhat unique in its contextual value in that its front façade faces toward Adelaide Street North although the growth of trees and the construction of buildings over time blocks the view of the property from Adelaide Street North.

Its east façade, the back of the residence, faces Elizabeth Street but is set back considerably from the street and does not share the same setback as its residential neighbours to the south. Given its small size, it is somewhat isolated on the property and the dwelling cannot be said to be a landmark. However, its siting is important in that it helps establish the earlier construction of the building pre-dating the planning of Elizabeth Street.

In summary, the residential building at 759 Elizabeth Street, given its early age, the relative rarity of similar buildings in London, its retention of original design elements, its historic associations and its siting suggest the building meets the criteria of *Regulation 9 / 06* in terms of meriting designation under *Section 29* of the *Ontario Heritage Act*. Appendix 2 provides a draft statement of cultural heritage value or interest.

### Applicants' Information

In requesting demolition, the applicants submitted a number of items in consideration of their argument that the residential building at 759 Elizabeth Street lacked sufficient heritage importance to merit designation. For the benefit of future discussion, the following description/ summary of those items is provided.

#### 1. Information from London City Directories (1881-1908)

Research into the directories over this period of time, by the applicants, showed that there was no listing for the municipal address of 759 Elizabeth until, in their research, James Price is identified by name in 1908. (Note, research by the Heritage Planner, showed James Price at an address described as the second house south of Oxford Street, west side, in 1905. This would correspond to the location of the residence.)

#### 2. Information from the Land Registry Office

These materials identify the purchase of the property by James Price in 1907 and trace subsequent changes of ownership to Jean-Marie Ross MacKinnon in 1989.

#### 3. Information from the Fire Insurance Map 1892-(Revised to 1907)

The applicants note that this edition of the Fire Insurance plan does not show a building at the 759 Elizabeth Street address. Their conclusion from this is that this "proves that the house was not originally built in 1827 as the "oral history" suggests."

#### 4. Copies of Registered Plans-386 (3<sup>rd</sup>) filed in 1880, 422 (3<sup>rd</sup>) filed in 1893 and 435 (3<sup>rd</sup>) filed in 1904 for Lot 12, Concession 1, London Township

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D. Menard

The applicants note that the first two plans do not show the residence at the current address of 759 Elizabeth Street but that it is shown on the 1904 Registered Plan leading to their conclusion that the home can be dated “ back between 1893-1904, not the 1827 “oral history” date.

**5. Structural Assessment of Porch Framing at 759 Elizabeth Street**

On behalf of the applicants, Strik Baldinelli Moniz were engaged to assess the existing porch and canopy at the residence. Their findings are as follows:

*“The existing rear canopy and porch at 759 Elizabeth appears to be an addition to the original structure. Upon review and analysis of the framing under the current OBC loading conditions, the structural members supporting the existing canopy and porch have been found to be inadequate under both strength and serviceability conditions.”(September 25, 2015)*

**Analysis of Applicants’ Research and Findings**

Information from the City Directories and the Registry Office confirms some of the “oral history” which was provided by the MacKinnon family. It affirms the chain of ownership through the 20<sup>th</sup>. Century until very recently. This is not in dispute. What it does not address is the occupancy/ownership of the land prior to the city directories.

Fire Insurance plans also were not available for the pre-1880 period for most areas. The 1892-revised 1907 map does not show any properties on the blocks of interest between Adelaide Street North east to Wolseley Barracks, yet houses were identified on the City Directories as being along Adelaide, Central, Rattle and Elizabeth streets by that time. So the absence of an indication of a structure on the 1892 map is not conclusive that no building was there.

The copies of the Registered Plans are interesting. Normally, Registered Plans do not show building structures. This was evident in the two early plans. What is of interest in the 1904 plan is that it locates a 30’x 32” structure straddling a property line suggesting more a recognition of an existing building, not necessarily one that has just been erected.

The information about the porch confirms that the “front” porch, facing west, is not original. Its use of modern materials including pressure treated wood, sonotubes and bracket hangers, confirms that the porch is a later addition. The structural report also confirms that the clay brick structure is multi-wythe, a feature of early clay brick buildings.

Research provided in 2010 traced the ownership and occupation of the land to Charles Henry who farmed the land up to the time of his death in 1866. These records do not conclusively prove that the house currently at 759 Elizabeth Street is the one-storey brick house recorded in the 1861 census but the likelihood is strengthened in that the house appears to have been sited with respect to its landscape and was built prior to any sub-division of lands on the north half of Lot 12, Concession 1, former London Township. This is furthered strengthened with the architectural details suggestive of a pre-1860 construction, especially the Regency cottage features.

**Alterations**

The house has been altered over time, although it still retains its Regency “look.” Reference has been made to the addition of a later porch, or possibly, porches. At least one addition was made across the rear of the property, facing Elizabeth Street. The brickwork has been painted and one chimney has been partially parged. Interior

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D. Menard

walls show both evidence of plaster and drywall. In some places, the drywall has obscured the definition of the moulding. What perhaps is the original pine wide board flooring has been patched, perhaps with the removal of an interior basement stairs. The later addition to the south east corner shows a later window in a somewhat different style than the earlier ones on the west and north facades.

The siting of the residence, while evidence of a possible early building, is unfortunate, today, in that from its most visible public viewpoint, it shows its rear to Elizabeth Street and is set back at such a distance that its heritage character is not fully demonstrated. This condition mitigates somewhat the desirability of retaining the house over time.

<b>CONCLUSION</b>
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The residential structure at 759 Elizabeth Street is a property of cultural heritage value or interest and merits designation under *Section 29* of the *Ontario Heritage Act*.

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

Attach:

- Appendix 1: Property Location -759 Elizabeth Street
- Appendix 2: Property Photographs
- Appendix 3: Statement of Cultural Heritage Value or Interest

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Agenda Item # Page #

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D. Menard

**Appendix 2: Photos -759 Elizabeth Street**



**Rear façade-view  
from Elizabeth Street**



**View from west of  
front facade**



**View from North**



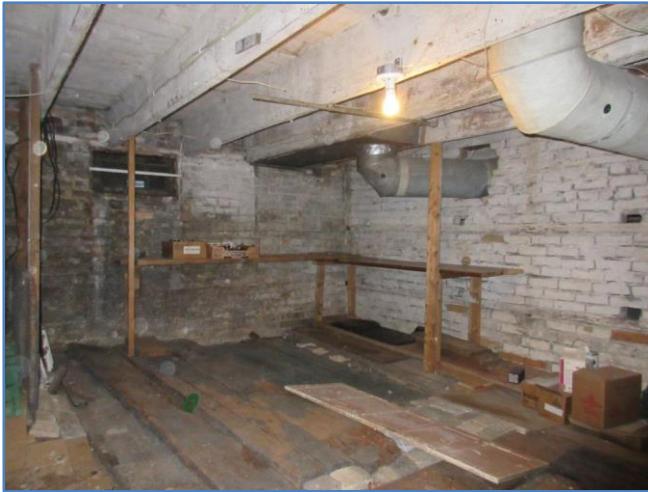
**View from south-west**

Agenda Item # Page #

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**Appendix 2- Photos**



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### **Appendix 3: Draft Statement of Cultural Heritage Value or Interest**

#### **Legal Description of Property**

Plan 435 Lot 17 Pt Lot 18

#### **Roll Number**

030150018000000

#### **Description of Property**

The residential structure at 759 Elizabeth Street is a one-storey, painted brick cottage located on the west side of Elizabeth Street, south of Oxford Street West on Registered Plan 435, Lot 17, Part Lot 18 in the City of London, County of Middlesex.(Assessment role Number 030150018000000)

#### **Statement of Cultural Heritage Value or Interest**

The cultural heritage value or interest of the property at 759 Elizabeth Street relates to its physical or design values, its historical or associative values, and its contextual values.

The one-storey Regency style cottage was likely built prior to 1861 when it was noted on the 1861 Census. It retains the exterior symmetry and simplicity expected of an early cottage. 759 Elizabeth Street is representative of early rural development in an area that has become part of London.

The residence is believed to have been built by Charles Henry. He was born in Ireland and was an early pioneer in London Township. He received the patent to the north half of Lot 12, Concession 1, former London Township, in October 1832 from Thomas Talbot. Charles Henry had been located on the land since 1818. Over the years, Charles Henry sold off parts of his holdings but continued to farm 75 acres until his death in 1866.

Prior to his death, Henry sold his farm to William and John Carling. John Carling, later Sir John Carling, was one of London's better known businessman and politician in the late nineteenth century. Sir John Carling owned Lot 11 to the east and these lands became the site of Wolseley Barracks, adjacent to 759 Elizabeth.

Contextually, the siting of the cottage reflects its rural roots. Facing towards the west on a rise of land, it took advantage of its location. It survives today as a remnant farm house within an urban environment.

#### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of 759 Elizabeth Street include:

- Buff clay brick construction
- Shallow hip roof with ridge line and deep eaves
- Symmetrical front (west) façade with door entrance flanked between windows, all with a consistent top chord
- Original 6/6 pane windows and muntins on the front and north façade
- Transom window above the front entrance door
- Paired chimneys which contribute to the symmetry of the building