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<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MONDAY SEPTEMBER 11, 2017</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>CONSERVATION REVIEW BOARD RECOMMENDATION RE: NOTICE OF INTENT TO DESIGNATE 4402 COLONEL TALBOT ROAD</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN**:

- a) This report and the report from the Conservation Review Board, appended to this report as Appendix A, **BE RECEIVED**;
- b) The property at 4402 Colonel Talbot Road **BE DESIGNATED** under the provisions of Section 29 of the *Ontario Heritage Act* as a property of cultural heritage value or interest, with the statement explaining its cultural heritage value or interest and identifying heritage attributes appended to this report as Appendix B; and,
- c) The City Clerk **BE DIRECTED** to introduce a by-law to designate the property at 4402 Colonel Talbot Road at the next Council Meeting.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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May 11, 2016. Report to the LACH, Request for Demolition by: Lambeth Health Organization Inc., 4402 Colonel Talbot Road.

**May 30, 2016. Report to the PEC, Request for Demolition by: Lambeth Health Organization Inc., 4402 Colonel Talbot Road** – This report recommended that Municipal Council issue its notice of intention to designate the property at 4402 Colonel Talbot Road under Section 29 of the *Ontario Heritage Act*.

<b>BACKGROUND</b>
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The property at 4402 Colonel Talbot Road is listed as a Priority 2 resource on the *Inventory of Heritage Resources* (the Register pursuant to Section 27 of the *Ontario Heritage Act*). The building on the property was built in 1925 to the design of Herbert [Hubert] Carroll McBride, architect, and served as the Lambeth Continuation School, later the M. B. McEachren Public School. The school property was declared surplus by the Thames Valley District School Board in 2010, and sold to the present owner in 2015.

On April 5, 2016, the City of London received a notification of the property owner's intention to demolish the building located at 4402 Colonel Talbot Road. This action complied with the requirements of Section 27(3) of the *Ontario Heritage Act* which requires owners of property listed, but not designated under the *Ontario Heritage Act*, to provide at least 60-day notice in writing of their intention to demolish or remove building. The 60-day period would expire on June 4, 2016 and the request deemed permitted should Municipal Council have not made a decision.

During that 60-day review period, the Heritage Planner undertook research on the history and potential significance of the subject property. A site visit was completed on April 15, 2016. Noting that approximately half of the 60-day review period is lost to administrative processes, as much research as possible was undertaken. An evaluation was completed using the criteria for determining cultural heritage value or interest, as prescribed in *Ontario Heritage Act* Regulation

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9/06. The Stewardship Sub-Committee of the London Advisory Committee on Heritage (LACH) was consulted at its meeting on April 27, 2016, and the LACH was consulted at its meeting on May 11, 2016.

Staff provided a recommendation to designate the property at 4402 Colonel Talbot Road under Section 29 of the *Ontario Heritage Act*, with heritage attributes on the exterior of the original 1925 school building articulated within the Statement of Cultural Heritage Value or Interest (Appendix B). The LACH amended the staff recommendation to state, “the north, west and south façade of the 1925 portion of the building located at 4402 Colonel Talbot Road.” The staff recommendation in the report to the Planning & Environment Committee (PEC) was not altered. Pursuant to the Council Policy Manual, a public participation meeting was held at the PEC on May 30, 2016. Notice was sent to property owners within 120 metres of the subject property and published in *The Londoner* advising of the public participation meeting. The property owner and his agent gave presentations at the public participation meeting, but no other submissions were provided.

At its meeting held on May 31, 2016, Municipal Council resolved to issues its notice of intention to designate the property at 4402 Colonel Talbot Road pursuant to Section 29 of the *Ontario Heritage Act*. The notice of intention to designate was based on the staff recommendation and not the amendments to the recommendation made by the LACH.

Notice of intent to designate the property was served on the property owner and the Ontario Heritage Trust on June 28, 2016, and was published in *The Londoner* on June 30, 2016. Publication in *The Londoner* initiated the legislated 30-day appeal period, which ended on August 2, 2016. An appeal to the notice of intent was received on July 28, 2016. The appeal was referred by the City Clerk to the Conservation Review Board (CRB).

A hearing was convened by the CRB on January 29-30, 2017. The report prepared by the Conservation Review Board, with its recommendation regarding Municipal Council’s notice of intention to designate 4402 Colonel Talbot Road, was published on March 1, 2017 (Appendix A). The CRB recommended that the property at 4402 Colonel Talbot Road not be designated under the *Ontario Heritage Act*, however the final decision regarding designation remains with Municipal Council.

<b>ANALYSIS</b>
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The report of the Conservation Review Board highlighted a number of issues:

- **Minor deficiency in Notice of Intent to Designate** – The CRB advised that the full statement explaining the cultural heritage value or interest of a property and the identification of its heritage attributes must be served on the property owner and the Ontario Heritage Trust. Previously, only a brief summary was included in the notice of intent to designate, which was allowable for public notification in *The Londoner* but not the copy served on the property owner and the Ontario Heritage Trust. This issue was not raised as part of the appeal but has been subsequently addressed by staff.
- **Multiple resolutions from Municipal Council arising from a single application** – The existing reporting structure requires one report from staff to the LACH and a subsequent staff report to the PEC (to facilitate the public participation meeting). The filing deadlines for staff reports to the LACH and the PEC do not facilitate the ability to amend recommendations in between the advisory committee meeting and the standing committee meeting. Depending on the situation, staff may not believe it to be appropriate to change their professional recommendation.

In the case of the demolition request for 4402 Colonel Talbot Road this reporting structure resulted in two resolutions from Municipal Council; one based on the staff recommendation and one from the LACH with its amendments to the staff recommendation.

- **Priority levels on the Register (Inventory of Heritage Resources)** – Properties included on the Register (the Inventory of Heritage Resources) that are not designated under Parts

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IV or V of the *Ontario Heritage Act* are assigned a priority ranking. These rankings are usually assigned at the time of inclusion on the Register (Inventory of Heritage Resource) based on varying levels of evaluation. The property at 4402 Colonel Talbot Road was assigned a Priority 2, which did not factor into the review and recommendation of the CRB. Consideration should be given to removing priority levels for heritage listed properties included on the Register (Inventory of Heritage Resources).

- **Application of the criteria of *Ontario Heritage Act* Regulation 9/06** – Within its recommendation, the CRB provided an interpretation of the application of the criteria for determining cultural heritage value or interest as mandated by *Ontario Heritage Act* Regulation 9/06. In particular, it highlighted the necessity of a comparative analysis to articulate physical or design values and historical or associative values, meeting overlapping criteria, the concepts of authenticity and integrity, and interpretations of “landmark.” A property is required to meet only one of the criteria of Regulation 9/06 to merit designation under the *Ontario Heritage Act*.

**Comparative Analysis**

The CRB’s report emphasized undertaking a comparative analysis to determine a property’s eligibility for designation as a “rare, unique, representative or early example of a style, type, expression, material or construction method” (physical or design value), or as a property that “demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community” (historical or associative value).

While these criteria may be well known to local community members, who are familiar with the work of a particular architect or other examples of a particular building type to provide for comparison for example, these are less known to adjudicator of the CRB. The CRB’s report emphasized that this locally-known information needs to be articulated within a property’s evaluation in the potential case of an appeal.

**Overlapping Criteria**

Much of the information reviewed during the CRB hearing focused on the architectural style of the building at 4402 Colonel Talbot Road. Staff maintain that the property was incorrectly identified as Collegiate Gothic in the *Inventory of Heritage Resources* (the Register), and that the property is a representative example of the Beaux Arts style within Lambeth.

Within its report, the CRB articulated an expectation that a property that is considered to be a representative example of the Beau Arts style would also need to meet the criteria of displaying a high degree of craftsmanship or artistic merit (CRB1617, p.18-19). Regulation 9/06 states that a property must meet “one or more” of the criteria to merit designation, but does not suggest that multiple criteria overlap.

A property can be a representative example of a particular architectural style without necessarily displaying a high degree of craftsmanship or artistic merit, or a high degree of technical or scientific achievement. Individual criteria of Regulation 9/06 should be able to stand on their own, without overlapping criteria.

**Authenticity and Integrity**

The CRB emphasized the concepts of “historic integrity” and “heritage authenticity of an identified heritage attribute” to the hearing.

Authenticity is understood to mean the ability of a property, and its heritage attributes, to retain their significance over time. Meaning, do the heritage attributes accurately display the cultural heritage value or interest of a property. For example, if a brick wall is understood to have cultural heritage value or interest, is it a real brick wall or a facsimile that looks like a brick wall? On the other hand, the design intent to be a facsimile of a brick wall could be of cultural heritage value in itself.

Integrity is understood to mean the ability of a property to secure its significance over time. Essentially whether the surviving physical features continue to represent or support the

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cultural heritage value or interest of a property. Using the same example of the brick wall, have most of those bricks been replaced and the structure of the brick wall changed over time?

Condition, which is an assessment of the physical state, is not a criterion for designation of a property under the *Ontario Heritage Act*. Additionally, condition and integrity are different; a heritage property that has largely been left unchanged since its construction but not maintained could have a high degree of integrity but be in poor condition. Poor condition does not make a cultural heritage resource ineligible for designation, but can threaten its longevity or viability. Maintenance and repair to an appropriate heritage standard can improve condition issues without compromising the integrity or authenticity of a cultural heritage resource.

While the term “integrity” is introduced in *Designating Heritage Properties* in the Ontario Heritage Toolkit (2006), further guidance from the Ministry of Tourism, Culture and Sport should be provided to implement considerations of authenticity and integrity as part of the designation process.

**“Landmark”**

The CRB interpreted the term “landmark,” as a criterion of contextual value, “to mean a landmark in the context of its community” (CRB1617, p.20). In its consideration of the contextual value of the property, the CRB received the input of a participant in the hearing that the property was not a landmark within the community, as well as a petition from a “public meeting” hosted by the property owner on September 19, 2016. The CRB assigned weight to this information. With the scope of the CRB limited to the period after the notice of intent to designate was served, it is not apparent if the CRB assigned any weight to the efforts undertaken by the City in advance of the notice of intention to designate the property to engage the community and solicit input at the public participation meeting. Additionally, the Stewardship Sub-Committee and the LACH, who are appointed by Municipal Council to advise on cultural heritage matters, believe that the property is a landmark.

- **Mandated maximum 60-day review period** – Properties included on the Register (Inventory of Heritage Resources) that are not designated are only afforded a 60-day delay in the issuance of a demolition permit pursuant to Section 27(3) of the *Ontario Heritage Act*. Within the usual reporting cycle from the LACH to the PEC to Municipal Council, approximately half of the 60-day review period is lost to process and meeting agenda deadlines. This limits the amount and depth of research that can be undertaken, affecting the Statement of Cultural Heritage Value or Interest and identification of heritage attributes that can be prepared. The only requirement for a property owner to pursue a request for demolition of a property listed on the Register (Inventory of Heritage Resources) is to provide notice in writing. This places the obligation of research and evaluation on the Heritage Planner, with the support of the Stewardship Sub-Committee. Other municipalities have defined complete application requirements, including an evaluation using mandated criteria prepared by a qualified professional. In this case, the property owner, or his agent, did not offer any opinions on the heritage information provided in the staff report to the LACH until May 5, 2016.

Municipal Council may determine it appropriate to define complete application requirements for demolition requests for heritage listed and designated properties, which could include a Cultural Heritage Evaluation Report (CHER).

- **CRB declined to recognize the Heritage Planner as an expert**

**Other Issues**

A Zoning By-law Amendment (Z-8461) was undertaken in 2015 to facilitate the redevelopment and adaptive reuse of the subject property with the intent of reusing the existing school building for a health and wellness centre and pharmacy. The Zoning By-law Amendment recognized the unique conditions of the property through special provisions, particularly the deep setback from Colonel Talbot Road of the existing building, which may not have been supported by staff should

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the property been vacant at the time of application. The potential demolition of the building questions the implications of the special provisions of the Zoning By-law Amendment.

**Outcome Options**

Unlike the Ontario Municipal Board rulings, the recommendation of the Conservation Review Board is not binding. The *Ontario Heritage Act* states that Municipal Council retains the final decision regarding the notice of intention to designate the property at 4402 Colonel Talbot Road after it considers the report of the Conservation Review Board. As an outcome of the appeal to the notice of intention to designate, Municipal Council may:

1. Pass a by-law designating the property, with a copy of the by-law, with a statement explaining the cultural heritage value or interest and a description of the heritage attributes of the property served on the property owner and the Ontario Heritage Trust, registered against the property affected in the land registry office, and publish notice of the by-law in *The Londoner*, or,
2. Withdraw its notice of intention to designate the property by causing a notice of withdrawal to be served on the property owner and the Ontario Heritage Trust, and published in *The Londoner*.

**CONCLUSION**

Staff maintain that the former Lambeth Continuation School/former M. B. McEachren Public School, located at 4402 Colonel Talbot Road, is a significant cultural heritage resource. It is an integral link in demonstrating the history and evolution of Lambeth as a community. It is recommended that the 1925 portion of the school, the original Lambeth Continuation School, be designated under the *Ontario Heritage Act*. Municipal Council, however, retains the final decision regarding the designation of the former Lambeth Continuation School/former M. B. McEachren Public School.

Cultural heritage resources are non-renewable. Should Municipal Council choose to withdraw its notice of intention to designate the property, this resource would be lost forever. No amount of commemoration or interpretation can replicate or replace the contributions of a significant built heritage resource.

**Acknowledgements**

This report was prepared with the assistance of Nicole Hall, Solicitor II, City Solicitor's Office.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>KYLE GONYOU, CAHP 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>	

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2017-08-28

Attach:

Appendix A: Conservation Review Board, Lambeth Health Organization Inc. v. London (City), CRB1617.

Appendix B: Statement of Cultural Heritage Value or Interest for 4402 Colonel Talbot Road

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**APPENDIX A: Conservation Review Board, Lambeth Health Organization Inc. v. London (City), CRB1617**

**Conservation Review Board**  
Commission des biens culturels



**ISSUE DATE:** March 01, 2017

**CASE NO.:** CRB1617

**PROCEEDING COMMENCED UNDER** subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

**Owner/Objector:** Lambeth Health Organization Inc.  
**Subject:** Notice of Intention to Designate  
**Property Address:** 4402 Colonel Talbot Road  
**Legal Description:** Lot 15 and Part Lot 16 ETR & South of Side Road Plan 443 & Part Lot 70 ETR as in WU31936, 271189, WU56425, 109015, 147136, 264474 London  
**Municipality:** City of London  
**CRB Case No.:** CRB1617  
**CRB Case Name:** Lambeth Health Organization Inc. v. London (City)

**Heard:** January 30 and 31, 2017 in London, Ontario

**APPEARANCES:**

**Parties**

**Counsel<sup>+</sup>/Representative**

Lambeth Health Organization Inc.

Punkuj Chawla and Michelle Whatley

City of London

Nicole Hall<sup>+</sup>

**Participant**

Tom Christensen

Self-represented



## REPORT OF THE BOARD DELIVERED BY SU MURDOCH AND ROBERT V. WRIGHT

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### OVERVIEW

[1] The City of London (the “City”) seeks to designate 4402 Colonel Talbot Road in the City of London (the “property”) as a property of cultural heritage value or interest under s. 29 of the *Ontario Heritage Act* (the “Act”) for reasons prescribed by Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest (“O. Reg. 9/06”). The property contains the school building known as the “Lambeth Continuation School” and from 1965 as the “M.B. McEachren School.”

[2] Lambeth Health Organization Inc. (the “Owner”) objects to the Notice of Intention to Designate (the “Notice”) citing: discrepancies in the statement of cultural heritage value or interest; that there have been “significant alterations” to the building; and that there is no public interest in designating the property.

[3] A hearing was convened under s. 29(8) of the Act to report to the Council of the City, whether, in the opinion of the Conservation Review Board (the “Review Board”), the property should be designated by by-law under s. 29 of the Act.

[4] For the reasons set out below, the Review Board recommends that the municipality not pass a by-law designating the property.

### BACKGROUND

[5] The property is a parcel of land on the east side of Colonel Talbot Road in the community of Lambeth formerly within the geographic township of Westminster, now within lands annexed by the City in 1993. It contains the vacant Lambeth Continuation School building constructed in 1925, with additions dating to 1954 (south wing), 1958 (east addition on south wing), 1963 (north wing), and 1969 (library). The building has a deep setback from Colonel Talbot Road and large open yards to the north and south.

The property was sold in October 2015 by the Thames Valley District School Board to the Owner.

[6] On April 5, 2016, the Owner gave Notice under s. 27(3) of the Act of an intention to apply to demolish the building on the property. The City Council met on May 31, 2016, and resolved to issue the Notice. It was issued on June 30, 2016. It is understood by the Review Board that permission to demolish the four additions to the building is pending, leaving the 1925 structure.

[7] The Owner, represented by Michelle Whatley, objected to the Notice. At the hearing, Ms. Whatley deferred to Dr. Punkuj Chawla, the principal of the Owner, who was authorized to represent the Corporation.

## **ISSUE**

[8] The issue is whether the property should be designated under s. 29 of the Act because it is of cultural heritage value or interest as prescribed by O. Reg. 9/06. The relevant sub-issues are whether the property has: (1) Design Value or Physical Value, (2) Historical Value or Associative Value, or (3) Contextual Value.

## **RELEVANT LEGISLATION AND REGULATION**

[9] *Ontario Heritage Act*

### **Definitions**

1. In this Act,  
“heritage attributes” means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest;

### **PART IV - CONSERVATION OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST**

**Definition**

26. (1) In this Part, “property” means real property and includes all buildings and structures thereon.

**Same**

(2) In sections 27 to 34.4, “designated property” means property designated by a municipality under section 29.

**Designation by municipal by-law**

29. (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section.

**Referral to Review Board**

(7) Where a notice of objection has been served under subsection (5), the council shall, upon expiration of the thirty-day period under subsection (4), refer the matter to the Review Board for a hearing and report.

**Report**

(12) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

**O. Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest****Criteria**

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act.

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
  
3. The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark.

## **CASE FOR THE MUNICIPALITY**

### *Contested Qualification of Expert Witness*

[10] The City began its case by seeking to have the Review Board qualify Kyle Gonyou, a Heritage Planner with the City from August 2014 to present, as an expert heritage planning witness. The City provided as qualifications a summary of his education and of his heritage evaluation employment experience, which commenced in 2011.

[11] The Owner objected to Mr. Gonyou being qualified as an expert witness, citing the Review Board's Order of December 7, 2016, in which the requirements for disclosure, including the identification, qualifications, and witness statement of all proposed expert witnesses were delineated and the deadline for filing was set as January 16, 2017. The Owner further argued that as the City did not meet this deadline, it had not retained an expert witness to respond to the City's evidence.

[12] The City submitted that the Owner would not be prejudiced because it had the cultural heritage evaluation report prepared by Mr. Gonyou on or about April 2016 (the

“Gonyou report”). It is contained in the City’s Planning and Environment Committee and the London Advisory Committee on Heritage (“LACH”) reports (Exhibit 3, Tabs 10 and 13). The City argued that the report constitutes the necessary witness statement, and that Mr. Gonyou had signed an Acknowledgement of Expert’s Duty form.

[13] The Review Board was concerned by the City’s late disclosure of the witness statement and qualifications of the expert documents and the potential prejudice to the Owner by an imbalance in the evidence. In addition, there was no evidence that the City indicated in advance to the Owner that it would be seeking to qualify Mr. Gonyou as an expert witness at the hearing. While the Gonyou report is embedded within two Committee documents it was not clearly identified in advance of the hearing as a witness statement for a proposed expert witness. In addition, Mr. Gonyou’s qualifications as an expert and his Acknowledgment of Expert Duty form, which also would have indicated that the City intended to call him an expert witness, were not filed in advance of the hearing. The City’s disclosure documents were received electronically on January 23, 2017, followed by the Document Book (Exhibit 3) on or about January 26, 2017, after the January 16, 2017 filing deadline. In these circumstances, and having regard to Rule 15.03 of the Review Board’s *Rules of Practice and Procedure* which permits the Review Board to make an order it considers appropriate to allow for the proper conduct of proceedings, the Review Board declined to qualify Mr. Gonyou as an expert heritage planner but did receive his evidence as the City employee who prepared the Gonyou reports.

#### *Testimony of Mr. Gonyou*

[14] Mr. Gonyou began his testimony with an explanation that the property is within the community of Lambeth, which was a distinct village before being annexed by the City in 1993. The population of Lambeth in 1918 was 400 inhabitants, rising to 3,056 in 1980.

[15] The property was first identified in 1993 as a cultural heritage resource within the newly annexed lands, and in 1998 was placed on the City's Inventory that is the precursor to the Register set out in s. 27 of the current Act. The property was added on March 26, 2007, to the City's Inventory of Heritage Resources, 2006 (i.e., the s. 27 Register) (Exhibit 3, Tab 7). It is listed as entry No. 482, "M.B. McEacheren [*sic*] P.S., Year Built: c.1915, Architectural Style: Collegiate Gothic." The property is categorized on the Register as a Priority 2 resource, meaning it merits designation under the Act and is afforded certain planning concessions. Mr. Gonyou testified that it is the only school building currently recognized by the City outside of the core of "old" London.

[16] In 2009, an *Archaeology and Built Heritage Background Assessment* was completed for the City as part of the development of the 2012 Southwest Area Secondary Plan ("SWAP"). This assessment describes "the former McEachren Public School as an important institution and built heritage resource within the SWAP area" (Exhibit 3, Tab 10, p.122). An excerpt of the SWAP (Exhibit 3, Tab 19) references the urban area of "Lambeth Village Core."

[17] Mr. Gonyou gave an explanation of his evaluation of the cultural heritage value or interest of the property, beginning with the statement that it is only the north, west, and south facades of the 1925 portion of the Lambeth Continuation School building that are being proposed as heritage attributes. With this statement, it became apparent to the Review Board that there may be a disconnect between the City's intent to limit the designation to the north, west, and south facades of the 1925 portion of the building, and the wording of the designating Notice that was issued and is, therefore, the subject of this proceeding.

*Clarification of Heritage Attribute(s) in the Notice of Intention to Designate*

[18] Although the Review Board does not normally consider the process conducted by a municipality before issuing the Notice, in this instance some aspects of that

process, discussed below, are relevant to the Review Board's mandate to make a recommendation to Council.

[19] The evidence given was that a version of the Gonyou report (Exhibit 3, Tab 13) was before the LACH meeting of May 11, 2016. Appendix D of the Gonyou report is the statement of cultural heritage value or interest and description of heritage attributes (the "statement and description"). The minutes of the meeting indicate that during the meeting LACH advised City Council to issue the Notice (Exhibit 3, Tab 14, p. 2), as follows:

That, the following actions be taken with respect to the request for the demolition of a heritage listed property located at 4402 Colonel Talbot Road:

i) notice BE GIVEN under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the north, west, and south façade of the 1925 portion of the buildings located at 4402 Colonel Talbot Road to be of cultural heritage value or interest for the reasons appended to the Manager Director, Planning and City Planner's report dated May 11, 2016; ...

[20] The Analysis section of the Gonyou report was revised to indicate the LACH recommendation to protect only the north, west, and south facades of the 1925 building, adding "no interior heritage attributes are included." (Exhibit 3, Tab 10, p.124). Appendix D was not revised. This report was before City Council's Planning and Environment Committee meeting and Public Participation session held on May 30, 2016.

[21] The matter of designation was before City Council in its meeting held on May 31, 2016, during which it was resolved to issue the Notice "for the reasons appended to the staff report dated May 30, 2016 as Appendix D" (Exhibit 3, Tab 3).

[22] The Review Board indicated at a pre-hearing conference that the Notice sent to the Owner and the Ontario Heritage Trust (Exhibit 3, Tab 4) is lacking some of the content prescribed by s. 29(4) of the Act. Instead of including the required complete "statement explaining the cultural heritage value or interest of the property and a

description of the heritage attributes of the property,” the Notice defers to the availability of this statement and description through the Office of the City Clerk. (This would only be permitted in the publishing of the Notice in a local newspaper, under s. 29(4.1)). However, as this irregularity was not pursued by the parties, the Review Board considered it moot.

[23] Without evidence to the contrary, that being the existence of an alternate statement and description, the description of heritage attributes in “Appendix D” of the Gonyou report as referenced in the City Council resolution of May 31, 2016, is assumed to be what was available through the Office of the City Clerk. Therefore, it is that description of heritage attributes that is before the Review Board. Appendix D does not specify that the four additions to the 1925 portion of the Lambeth Continuation School building are excluded or that the description of the 1925 portion of the structure is limited to the north, west, and south facades.

*Criteria for Determining Cultural Heritage Value or Interest*

[24] Regarding the criteria of O. Reg. 9/06 for Design or Physical Value, Mr. Gonyou testified that the c.1915 “Year Built” recorded on the Register is incorrect. The Land Registry Office Parcel Register (Exhibit 3, Tab 6) indicates the land was purchased on November 27, 1924, by the Trustees of School Section 17 of the Township of Westminster. The original Lambeth Continuation School building was erected in 1925. This is confirmed by an article in *The London Free Press* of September 21, 1925 (Exhibit 18). The Review Board accepted this documentation as proof of the date of construction as 1925.

[25] Mr. Gonyou further testified that the architectural style of “Collegiate Gothic” recorded on the Register is incorrect. It is his contention that the style is “Beaux Arts.” He provided an overview of the evolution of the Beaux Arts style and its essential elements of “Templelike buildings” and “Defined Classical elements: Columns or pilasters, central entrance or frontispiece, entablature ornamentation (plain or simple)”



(Exhibit 4). He believes the 1925 portion of the Lambeth Continuation School building exhibits Beaux Arts “influences and attributes” in the regional context of the Lambeth community.

[26] Mr. Gonyou summarized his findings on Design or Physical Value in chart form (Exhibit 3, Tab 10, p.123), using the format of O. Reg. 9/06, as follows:

1. The property has design value or physical value because it,
  - i. [Is a] Representative example of Beaux Arts style in Lambeth; Beaux Arts style reflected importance and permanence of education
  - ii. Not known
  - iii. Not known

[27] On inquiry from the Review Board, Mr. Gonyou explained that “not known” means “inconclusive,” due, in part, to the too-short time span of 60 days allotted by s. 27(3) of the Act (notice of intent to demolish) for him to undertake the necessary research.

[28] Based on his findings, Mr. Gonyou drafted the Design or Physical Value statement (Exhibit 3, Tab 10, p.128), as follows:

Within Lambeth, the former Lambeth Continuation School/former M.B. McEachren Public School is a representative example of the Beaux Arts style. This style is demonstrated in the 1925 school building with its balanced composition, central portico, and classically-inspired details including the pediment and parapet with coping, painted metal stringcourse, triplet windows, relief detailing, red brick, soldier course lintels and case concrete sills. This style often applied in early twentieth century institutional buildings, aimed at reflecting the importance and permanence of education in the Lambeth community.

[29] Regarding the criteria of O. Reg. 9/06 for Historical or Associative Value, Mr. Gonyou testified that the *Biographical Dictionary of Architects in Canada 1800-1950* (Exhibit 10) identifies “Hubert Carroll McBride” (1860-1943) as “a remarkably prolific architect in London, Ontario who can be credited with over one hundred commissions for buildings in that city and throughout southwestern Ontario” spanning 1885 to 1928. The dictionary does not identify Lambeth Continuation School in the list of McBride’s

works. The attribution of the school to McBride is confirmed by the article in *The London Free Press* of September 21, 1925. The Review Board accepts this documentation as proof of the attribution of the 1925 school design to H.C. McBride.

[30] Mr. Gonyou categorized the Lambeth Continuation School as “part of the representative work” of McBride and showed other London buildings as examples of his work, including the comparative 1913-1914 St. Michael’s Catholic School at 926 Maitland Street. These buildings are identified in the Historical or Associative Value statement.

[31] Mr. Gonyou summarized his findings for Historical or Associative Value in chart form (Exhibit 3, Tab 10, p. 123), using the format of O. Reg. 9/06, as follows:

2. The property has historical or associative value because it,
  - i. Historical significance of educational institutions in Lambeth;  
Lambeth Continuation School (1925-1949)
  - ii. Contributes to an understanding of the growth and development of  
Lambeth
  - iii. Representative work of H.C. McBride, architect

[32] Based on his findings, Mr. Gonyou drafted the Historical or Associative Value statement (Exhibit 3, Tab 10, p.128-129), as follows:

The former Lambeth Continuation School/former M.B. McEachren Public School is part of the representative work of Herbert Carrol McBride (1860-1843 [*sic*]). H.C. McBride trained in the studio of Samuel Peters & Son from 1877-1882. He subsequently partnered with many prominent London architects, eventually operating a sole practice. His work includes the rectory for St. George’s Anglican Church (229 Wharncliffe Road North, 1893), the Colborne Building at the Old Victoria Hospital (391 South Street, 1898-1899), and St. Michael Catholic School (926 Maitland Street, 1913-1914).

The former Lambeth Continuation School/former M.B. McEachren Public School has direct historical associations with the establishment of educational institutions in Lambeth which reflected its status as an important village in the former Westminster Township.

While continuation schools were established in the late nineteenth century, their role as a link between elementary school and higher education gained social importance following World War I. Elementary

schools were typically one-room schoolhouses providing a basic education to pupils using the 1<sup>st</sup> to 4<sup>th</sup> Books (now Grades 1-8). For those students seeking further educational opportunities, a new forum was required to bridge the gap between elementary education and teacher's college or university. High schools were funded by the provincial government and established in many larger urban centres, but most were out of reach, both geographically and financially, for rural students.

The first school in Lambeth was established in 1816 (S.S. #17), which provided a basic education to students in the former Westminster Township. Later, high school students traveled to London for their education via the traction line prior to 1921. Increased enrollment in London schools and the removal of the traction line prompted the Lambeth School Board to establish its own continuation school, first housed in the Masonic Hall until the Lambeth Continuation School was built in 1925. The Lambeth Continuation School was built in 1925, and opened on September 21, 1925 with Miss Clara M. Waters as principal. The Lambeth Continuation School provided an important opportunity for Lambeth students to pursue further education despite their location or means.

Due to other population growth in Lambeth, Grade 1-2 students were moved into the Science Lab at the Lambeth Continuation School in 1947. In 1949, the remaining students of SS #17 were moved to the Lambeth Continuation School; high school students were bussed to London. Further population growth prompted additions to the school building in 1953-1954, 1963-1964; and 1968. The former Lambeth Continuation School was renamed M.B. McEachren Public School in honour of Margaret B. McEachren, a long serving teacher, in 1965. In 2010, the students of M.B. McEachren Public School were moved to the former A.E. Duffield Public School, now known as Lambeth Public School.

While short in duration, the former Lambeth Continuation School ensured access to higher education for students in Lambeth and the surrounding area.

[33] Regarding the criteria of O. Reg. 9/06 for Contextual Value, Mr. Gonyou explained that the Lambeth Continuation School building differs from the surrounding area, as it is not part of the older section along Colonel Talbot Road nor the newer residential development. As such, he said, the school does not contribute to the area as prescribed in O. Reg. 9/06. It is his conclusion that the existence of a c.1925 postcard (Exhibit 6, p.15) and the reproduction of that postcard in 2010 was sufficient evidence to identify Lambeth Continuation School as a landmark. He also summarized his findings for Contextual Value in chart form (Exhibit 3, Tab 10, p.123), using the format of O. Reg. 9/06, as follows:

3. The property has contextual value because it,
  - i. Not believed to be significant
  - ii. Not believed to be significant
  - iii. Locally recognized as a landmark

[34] Based on his findings, Mr. Gonyou drafted the Contextual Value statement (Exhibit 3, Tab 10, pp.129), as follows: “The former Lambeth Continuation School/former M.B. McEachren Public School is locally recognized as a landmark within the community.”

### *Heritage Attributes*

[35] Mr. Gonyou defined heritage attributes as “physical areas of significance.” The description of heritage attributes for the property given in Appendix D is as follows:

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- Historical role as Lambeth Continuation School;
- Historical associations with Margaret B. McEachren;
- Demonstrative work of Herbert Carroll McBride, architect, in the Beaux Arts style;
- The 1925 Lambeth Continuation School with:
  - Balanced façade composition;
  - Central portico;
  - Classically-inspired architectural details including pediment and parapet with coping, painted metal string courses, triplet windows, relief detailing, red brick, soldier course lintels and cast concrete sills.

[36] On cross-examination by the Owner, Mr. Gonyou declined to comment on the extant condition of the school building.

### **CASE FOR THE OWNER**

[37] The Owner was represented by Dr. Chawla. He is a medical practitioner and the principal of the corporation. Dr. Chawla explained that in addition to his medical

credentials, he has a B.Sc. degree, which included some Liberal Arts (Art History) courses.

[38] At the start of his testimony, Dr. Chawla reiterated his previous statements that the Owner's case has been disadvantaged by the late filing by the City of the disclosure documents and, he added, the City presented new information at the hearing for which he was not prepared. He confirmed, however, that he was not seeking an adjournment.

[39] As the principal of the Owner, Dr. Chawla testified that the intent is to use the property as a community health and wellness centre. He said that the land was purchased with the initial concept of incorporating the school building into new construction. On May 18, 2016, on behalf of the Owner, Derek A. Smith of S3AEC + StudioS3AEC assembled a *MB McEachren Demolition Analysis Report* (the "Smith report") (Exhibit 3, Tabs 11 and 13; and Exhibit 17). According to Dr. Chawla, the Smith report indicates the need for extensive structural repair and renovation of the building to accommodate the centre. The report identifies that the roof membrane has failed and the interior has hazardous asbestos and airborne spores of black mold. Mr. Smith shared these findings in person at the City's Planning and Environment Committee Public Participation session of May 30, 2016 (Exhibit 3, Tab 12). Dr. Chawla categorized the airborne mold in the building as a "serious health risk."

[40] Dr. Chawla conducted a community engagement meeting on September 19, 2016, to outline his proposal for redevelopment of the property. One of the outcomes of that meeting is a petition signed by area residents (Exhibit 16). This petition has 99 signatures endorsing the following statement:

We, the undersigned, support the Lambeth Health Organization in appealing the designation of heritage of the former M.B. Macheachren [sic] Public School and support demolition of the buildings, including the 1925 section of the school.

*Criteria for Determining Cultural Heritage Value or Interest*

[41] Regarding the Design or Physical Value criteria of O. Reg. 9/06, Dr. Chawla disputes the style label of Beaux Arts, believing instead that the City's original categorizing of the 1925 school building on the Register as Collegiate Gothic is correct. Exhibit 6, pages 2 through 11, contains his analysis of the chief characteristics of each style and draws the conclusion that this example is more representative of Collegiate Gothic. He also queried how the City could define the Lambeth Continuation School building as a representative example of Beaux Arts style, which is known for its highly decorative character as the parties agree, and also evaluate the criterion of "a high degree of craftsmanship or artistic merit" as "not known."

[42] In his evaluation chart (Exhibit 6, at p. 33), Dr. Chawla concludes that the Property "only meets 3/11 criteria for Beaux Art style and therefore is misleading and incorrect to label as Beaux Art." He further stated: "Beaux Art [was] commonly associated with nobility, political or financing." For reasons differing from those of the City, he also concludes that the Property "does not meet the criteria" for craftsmanship or for technical/achievement as prescribed by O. Reg. 9/06.

[43] Regarding the Historical or Associative Value criteria of O. Reg. 9/06, Dr. Chawla noted that the *Biographical Dictionary of Architects in Canada 1800-1950* does not list Lambeth Continuation School in the entry for works by H.C. McBride. His search of documentation available in the public domain, including a review of a selection of issues of the *London Free Press*, did not confirm this attribution. He acknowledged that the "new information" in the *London Free Press* article of September 21, 1925, confirms McBride as the architect. While accepting this attribution, he contends that the *Dictionary's* not listing the Lambeth Continuation School building devalues it as a representative example of McBride's work.

[44] In his evaluation chart (Exhibit 6, at p. 34), Dr. Chawla concludes that there have been "significant alterations done to de-value the originality of the building" and that the

“City refused first right of purchase, further evidence pointing to the City’s lack of retaining its significance as a building in Lambeth.” The chart lists states that “Collegiate Gothic is not [a] representative theme or culture of Lambeth community”; “Lambeth is not a Gothic culture or community”; and that “petitions demonstrate no role in contributing culture or community.” In addition, it states: “4402 Colonel Talbot Street is not listed in H.C. McBride’s Inventory of work.”

[45] Regarding the Contextual Value criteria of O. Reg. 9/06, Dr. Chawla queried how the City could identify the property and its school building as a “landmark” but not as a contributing property to the area or a property linked to its surroundings. In his evaluation chart (Exhibit 6, at p.35), he concurred with the City that it is not a contributing or linked property. The chart indicates his view that the property is “not locally recognized as a landmark by Community members of Lambeth supported by petitions.” Dr. Chawla made this conclusion based on the consensus expressed at the community engagement meeting of September 19, 2016, and the subsequent petition of 99 signatures opposing designation and supporting demolition of the building on the property.

[46] In Exhibit 6, at pages 13 to 15, Dr. Chawla references the City by-law that sets out a process for delisting a property from the Register. Among the permitted reasons for delisting a property is “if subsequent study proves there was an error in the assessment of significance.” Although the listing on the Register contains an inaccuracy (year built) and one change (architectural style) has been proposed by the City, the position of the Review Board is that the matter of delisting a property from the s. 27 Register is within the purview of the municipality, not the Review Board. In this hearing, delisting is not relevant as the Notice of Intention to Designate has been issued under s. 29 of the Act.

### *Heritage Attributes*

[47] In Exhibit 6, at page 14, as well as during the site visit conducted at the start of the hearing, Dr. Chawla identified the known changes to the 1925 portion of the Lambeth Continuation School building. The combined list of changes from Exhibit 6 and as viewed during the site visit is as follows:

- Altered chimney stack;
- Altered door access;
- Currently no front door (this area is bricked closed);
- Access doors to the side of the building;
- Alterations and repeated refinishing of portico (existing columns are not original - dimensions have changed over time);
- Windows under portico have been altered;
- Use of different coloured brick (as infill);
- Elevation of interior to create 2 floors;
- Window sashes are replaced (within the original openings); and
- A row of louvered ventilators are added across the front façade.

[48] Given the above changes, Dr. Chawla contends that restoration and/or revitalization of the 1925 portion of the building will result in a “patchwork” of repairs that will further “devalue authenticity.” He submits: “Heritage does exist in other forms as well, more than just a building”, and he has proposed to “preserve the stories that exist inside the school” and “display whatever is salvageable.”

### **PARTICIPANT STATEMENT**

[49] As a participant, Tom Christensen made a statement on his own behalf, and as the spokesperson for others in attendance at the hearing and those not in attendance, all of whom had signed the petition opposing designation and supporting demolition of the entire school building. He explained that he does not represent the Lambeth Community Association, which had no role in circulating the petition.

[50] Mr. Christensen said that he has lived behind the property since 1979. He has witnessed changes to the school building since then and has observed that the window sashes have been replaced, the columns of the portico are not original (referring to



them as “sewer pipes”), the central entryway is gone, and the building has been vandalized. He testified that the consensus of the petitioners is that the property is an “eyesore” and many question “why it is still standing.” In his view, the only Lambeth “landmark” was the water tower, which has been demolished. He described the school as “just an institutional building back from the road.” He acknowledged that the plywood now on the portico might be covering the original sandstone sign for the school. He suggests “keeping some parts to incorporate into the new building.”

## **ANALYSIS**

[51] The City submits that the credentials and experience of Mr. Gonyou outweigh those of Dr. Chawla in the field of cultural heritage evaluation. Although the Review Board did not qualify Mr. Gonyou as an expert witness for the reasons given above, it is clear that he has more experience than Dr. Chawla regarding cultural heritage evaluation. This was taken into consideration by the Review Board when analyzing the evidence.

### *Analysis of Criteria for Determining Cultural Heritage Value or Interest*

#### *Design Value or Physical Value*

[52] The statement of cultural heritage value states: “Within Lambeth, the former Lambeth Continuation School/former M.B. McEachren Public School is a representative example of the Beaux Arts style.” There is an extensive debate between the parties on whether this is a Beaux Arts or Collegiate Gothic style building (the City first listing it on the Register as Collegiate Gothic; the Owner giving it the same label; the recorded comments of Derek Smith at the Public Participation session that it is not Beaux Arts). Having considered this evidence and the parties’ submissions, the Review Board finds that this is a weak example of Beaux Arts styling. The difficulty with the Review Board making a finding on the architectural style is compounded by neither party assigning it

any degree of craftsmanship or artistic merit, which one would expect to be inherent in such a decorative style.

[53] In addition, it is not clear whether the City's qualifier "within Lambeth" is in reference to it being the only example of Beaux Arts in that community, or that this example is how Beaux Arts styling was interpreted or expressed in Lambeth in the 1920s. In the former scenario, the property is an anomaly, yet it was not identified by either Party as "rare or unique" as prescribed by O. Reg. 9/06. In the latter scenario, there was no indication that the building has any elements, for example a locally preferred style interpretation, locally available building products, or a local construction method, that are unique to and therefore reflective of and hold cultural heritage value in Lambeth.

[54] The cultural heritage value statement states: "This style often applied in early twentieth century institutional buildings, aimed at reflecting the importance and permanence of education in the Lambeth community." This statement lacks context in that no comparison is made to the architectural standard for educational buildings in this part of Ontario in the 1920s. This statement, potentially, could be applicable to all school architecture across Ontario during this period. In the visual presentation given by Mr. Gonyou, the image shown of St. Michael's Catholic School in London, for example, also reflects this sentiment of "importance and permanence of education."

[55] Similarly, there was no evidence on what level of control the Lambeth School Board actually held in the selection of the architectural style and building specifications. The Gonyou report note that "High schools were funded by the provincial government" (Exhibit 3, Tab 13, p.1-2) introduces the possibility that there may have been a provincial role in the construction of continuation schools. Did the local school board, perhaps in consultation with the residents of Lambeth, actively collaborate with architect H.C. McBride in the design and construction of the school? What level of control was held by the provincial education board or ministry in dictating style, design, massing, finishing, and budget, etc.? These questions were not addressed or answered by the

evidence. In the context of Lambeth, the level of cultural heritage value or interest may exist in the first scenario, but be less so in the latter.

#### *Historical Value or Associative Value*

[56] The statement of cultural heritage value considers the “establishment of educational institutions in Lambeth” to be reflective of “its status as an important village in the former Westminster Township.” It is not clear from this statement whether the village was otherwise “important” or only important as the location of educational institutions and the Lambeth Continuation School, which “ensured access to higher education for students in Lambeth and the surrounding area.” This wording does not present a well-developed reason for Historical or Associative Value.

[57] It is established by the evidence, on a balance of probabilities, that the 1925 portion of the school building is the work of London architect H.C. McBride. Given his roster of local works, it is reasonable to assume that he was “significant to the community” of London. On its own, the statement that this is “part of the representative work of McBride” lacks an indication of how this example “demonstrates or reflects the work or ideas of” this architect, as prescribed by O. Reg. 9/06. For example, does it demonstrate any design preference, motifs, peculiarities, or techniques for which McBride was known, or is it an example of a departure from his typical repertoire, etc.? Without this context, the building has the status of being simply another project by an architect attributed with over a hundred works.

#### *Contextual Value*

[58] In the Review Board’s experience of considering evidence within the criteria for Contextual Value, the definition of “landmark” has been much debated. In *Qureshi v. Mississauga (City)*, 2015 CanLII 99223 at para. 88, the Review Board interpreted the term “landmark” “to mean a landmark in the context of its community.”

[59] In this hearing, the City's evidence was that the existence of a c.1925 photograph of the Lambeth Continuation School, reproduced in 2010, was sufficient proof of the landmark status of the property. The Review Board does not accept that a commercial postcard alone allows this finding.

[60] Mr. Christensen speaking on his own behalf, and on behalf of the area residents who signed the petition opposing designation and supporting demolition, does not consider this school to be a landmark. Given that O. Reg. 9/06 is applicable to a property being evaluated as a candidate for municipal level designation, public sentiment within a community about whether a building on a property is a "landmark" should be given some weight.

#### *Heritage Attributes*

[61] As stated elsewhere in this Hearing Report, the Review Board believes there is some disconnect in what was intended by the contents of the Notice and the evidence in this proceeding as the description of heritage attributes as per Appendix D of the Gonyou report. Accepting that the intent was to include only the north, west, and south facades of the 1925 portion of the Lambeth Continuation School building, the Review Board still finds the description of heritage attributes lacking in clarity, for the following reasons.

[62] Mr. Gonyou defined heritage attributes as the "physical areas of significance." The Act also defines heritage attributes in the physical sense, as "the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest." The Act also distinguishes the statement of cultural heritage value or interest from the description of heritage attributes. With this in mind, the Review Board finds that the City itemized as heritage attributes the "Historical role as Lambeth Continuation School"; "Historical associations with Margaret B. McEachren"; and "Demonstrative work of Herbert Carroll McBride, architect, in the Beaux Arts style" when they are descriptions more appropriate to the statement of cultural heritage value or interest.

[63] The description of heritage attributes in Appendix D continues with the identification of items in keeping with the definition of “physical” areas, as follows:

The 1925 Lambeth Continuation School with:

- Balanced façade composition;
- Central portico;
- Classically-inspired architectural details including pediment and parapet with coping, painted metal string courses, triplet windows, relief detailing, red brick, soldier course lintels and cast concrete sills.

[64] At the start of the proceeding, the Review Board outlined the scope of inquiry, noting that O. Reg. 9/06 does not have criteria for evaluating the physical condition of a property and, therefore, the Review Board would be cautious about hearing this type of evidence. A permitted exception would be if evidence on the physical condition is considered by the Review Board to be relevant to the historic integrity and/or heritage authenticity of an identified heritage attribute.

[65] This hearing commenced with a site visit of the property during which it was pointed out that some of the key elements of the 1925 portion of the school building have been irreparably altered and/or removed. The Review Board found this to be relevant to historic integrity and authenticity.

[66] Of significance is the replacement of the original columns, removal of the entry doors and infilling with brick, and the possible change in the length of the entablature, all within the central portico assembly. The identification of the “central portico” as a heritage attribute does not reference its actual/current state.

[67] Similarly, the window sashes visible in the c.1925 postcard have been replaced, within the original window openings. This raised the questions of what is meant as “triplet window” in the description of heritage attributes and its integrity.

[68] Also of consideration is that if, and when, the four post-1925 additions to the school are removed, then the form of the school in living memory, and from the 1965

date when the school name was changed to commemorate Margaret McEachren, will be eliminated.

[69] In conclusion, while O. Reg. 9/06 requires that only “one or more” of the criteria be met to proceed with designation under s. 29 of the Act, the Review Board finds that the evidence is not sufficiently compelling for any one criterion as required to proceed with designation. The Review Board finds that overall the values or interests being assigned to the property lack substance, clarity, are inconclusive, and/or are not sufficiently developed or made relevant to the community of Lambeth or of its educational institution to meet the test of O. Reg. 9/06. The description of heritage attributes does not specify what the evidence suggests is the intended limitation to the north, west, and south facades of the 1925 school building. Of the heritage attributes described, some are value or interest statements, not a description of heritage attributes. Other heritage attributes, such as the central portico and windows, are described without any qualifier that aspects of these have been altered or removed.

## **SUMMARY AND RECOMMENDATIONS**

[70] Having considered the evidence and submissions, and for the reasons set out above, the Review Board recommends that the municipality not pass a by-law designating the property.

*“Su Murdoch”*

SU MURDOCH  
VICE-CHAIR

*“Robert V. Wright”*

ROBERT V. WRIGHT  
VICE-CHAIR

## Appendix 1 – Exhibits List

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

### **Conservation Review Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**Appendix 1****Exhibits List**

Exhibit #	Nature of Exhibit and description	Filed By:
1	Statement of Service (noting that Notice of Hearing was served on the parties and directed public notice according to the Rules and the Act)	Conservation Review Board
2	Statement of Service of Public Notice of Hearing served by the City of London	City of London
3	Document Book, City of London	City of London
4	Beaux Arts style, presentation slide	City of London
5	“Presentation by the residents of Lambeth regarding the former McEachren School”	Participant, Tom Christensen
6	Lambeth Health Organization, 4402 Colonel Talbot Road South, Dr. Punkuj Chawla B.Sc. (Liberal Arts), MD, CCFT, FEFP, Submitted for Appeal & Discussion on Heritage Designation January 30-31, 2017	Owner/Objector
7	June 28, 2016, letter of appeal signed by Michelle Whatley	Owner/Objector
8	City of London Inventory of Heritage Resources 2006	Owner/Objector
9	City of London Section II Heritage Database	Owner/Objector
10	<i>Biographical Dictionary of Architects in Canada 1800-1950</i> , Hubert Carroll McBride entry	Owner/Objector
11	Continuation School, Lambeth, Ont., Canada, 1925: postcard, Toronto Public Library online database	Owner/Objector



12	History of McEachren: Thames Valley online database	Owner/Objector
13	"Heritage as a Community Resource"	Owner/Objector
14	"Land Rush", CHIP MARTIN, <i>The London Free Press</i> , January 24, 2012	Owner Objector
15	"What is Cultural Heritage"	Owner/Objector
16	Public Meeting September 19, 2016, signed petition	Owner/Objector
17	<i>Lambeth Community Health and Wellness, MB McEachren Demolition Analysis Report, May 2016, S3AEC + sutdioS3AEC</i>	Owner/Objector
18	"Lambeth's New High School" <i>The London Free Press</i> , September 21, 1925, p.19, c.11, published transcript	City of London

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## **APPENDIX B: Statement of Cultural Heritage Value or Interest – 4402 Colonel Talbot Road**

### **Legal Description**

PLAN 443 LOT 15 CON ETR PT LOT 70

### **Description of Property**

4402 Colonel Talbot Road is located on the east side of Colonel Talbot Road between Broadway Avenue and Sunray Avenue in the Lambeth area of London, Ontario.

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

4402 Colonel Talbot Road, the formerly the Lambeth Continuation School and later the M. B. McEachren Public School, is of cultural heritage value or interest because of its physical or design values, historical or associative values, and its contextual values.

### **Physical/Design Values**

Within Lambeth, the former Lambeth Continuation School/former M. B. McEachren Public School is a representative example of the Beaux Arts style. This style is demonstrated in the 1925 school building with its balanced composition, central portico, and classically-inspired details including the pediment and parapet with coping, painted metal stringcourse, triplet windows, relief detailing, red brick, soldier course lintels and cast concrete sills. This style often applied in early twentieth century institutional buildings, aimed at reflecting the importance and permanence of education in the Lambeth community.

### **Historical/Associative Values**

The former Lambeth Continuation School/former M. B. McEachren Public School is part of the representative work of Herbert Carrol McBride (1860-1843). H. C. McBride trained in the studio of Samuel Peters & Son from 1877-1882. He subsequently partnered with many prominent London architects, eventually operating a sole practice. His work includes the rectory for St. George's Anglican Church (229 Wharncliffe Road North, 1893), the Colborne Building at the Old Victoria Hospital (391 South Street, 1898-1899), and St. Michael Catholic School (926 Maitland Street, 1913-1914).

The former Lambeth Continuation School/former M. B. McEachren Public School has direct historical associations with the establishment of educational institutions in Lambeth which reflected its status as an important village in the former Westminster Township.

While continuation schools were established in the late nineteenth century, their role as a link between elementary school and higher education gained social importance following World War I. Elementary schools were typically one-room schoolhouses providing a basic education to pupils using the 1<sup>st</sup> to 4<sup>th</sup> Books (now Grades 1-8). For those students seeking further educational opportunities, a new forum was required to bridge the gap between elementary education and teacher's college or university. High schools were funded by the provincial government and established in many larger urban centres, but most were out of reach, both geographically and financially, for rural students.

The first school in Lambeth was established in 1816 (S.S. #17), which provided a basic education to students in the former Westminster Township. Later, high school students traveled to London for their education via the traction line prior to 1921. Increased enrollment in London schools and the removal of the traction line prompted the Lambeth School Board to establish its own continuation school, first housed in the Masonic Hall until the Lambeth Continuation School was built in 1925. The Lambeth Continuation School was built in 1925, and opened on September 21, 1925 with Miss Clara M. Waters as principal. The Lambeth Continuation School provided an important opportunity for Lambeth students to pursue further education despite their location or means.

Due to other population growth in Lambeth, Grade 1-2 students were moved into the Science Lab at the Lambeth Continuation School in 1947. In 1949, the remaining students of SS #17 were moved to the Lambeth Continuation School; high school students were bussed to London.

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Further population growth prompted additions to the school building in 1953-1954, 1963-1964, and 1968. The former Lambeth Continuation School was renamed M. B. McEachren Public School in honour of Margaret B. McEachren, a long serving teacher, in 1965. In 2010, the students of M. B. McEachren Public School were moved to the former A. E. Duffield Public School, now known as Lambeth Public School.

While short in duration, the former Lambeth Continuation School ensured access to higher education for students in Lambeth and the surrounding area.

### **Contextual Values**

The former Lambeth Continuation School/former M. B. McEachren Public School is locally recognized as a landmark within the community.

### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- Historical role as Lambeth Continuation School;
- Historical associations with Margaret B. McEachren;
- Demonstrative work of Herbert Carroll McBride, architect, in the Beaux Arts style;
- The 1925 Lambeth Continuation School, with:
  - Balanced façade composition;
  - Central portico;
  - Classically-inspired architectural details including pediment and parapet with coping, painted metal stringcourse, triplet windows, relief detailing, red brick, soldier course lintels and cast concrete sills.