

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Heritage Alteration Permit Application
By: Carolina Leishman
836 Wellington Street – By-law No. L.S.P. -3104-15
Meeting on: Wednesday September 12, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* to remove and replace the existing slate roof on the building located at 836 Wellington Street, consent **BE GIVEN** with the following terms and conditions:

- (a) The proposed asphalt shingle replacement be in the style of conventional asphalt shingles;
- (b) The final material and style of the shingle replacement shall be to the satisfaction of the Heritage Planner; and
- (c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

Summary of Request

The property at 836 Wellington Street was altered without obtaining Heritage Alteration Permit approval. This property is designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3250-29. The Heritage Alteration Permit application purposes the replacement of the existing slate roof with an asphalt shingle that attempts to mimic the characteristics of slate tiles. The proposed replacement combines an inauthentic material with inauthentic style, details and proportions, which affects the legibility and integrity of the existing heritage fabric. Staff recommends that the proposed replacement material be in style of conventional asphalt shingles in order for the new material to be clearly distinguishable from the existing slate roof

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to ensure that a Heritage Alteration Permit is obtained for the removal of the existing slate roof and for the replacement material to be distinguishable and compatible to the property.

In accordance with Section 33 of the *Ontario Heritage Act* – a Heritage Alteration Permit is required if the alteration is likely to affect the property's heritage attributes; attributes set out in the by-law designating the property. As 836 Wellington Street was designated prior to the 2005 amendments to the *Ontario Heritage Act*, the existing slate roof is understood to be a heritage attribute of the heritage designated property because the slate roof is specifically noted in the designating by-law.

Analysis

1.0 Background

1.1 Property Location

The property at 836 Wellington Street is located on the east side of Wellington Street between Grosvenor Street and St. James Street (Appendix A).

1.2 Description

The property is a two-and-1/2- storey painted brick dwelling with original slate roof, constructed circa 1907, has an L shaped porch and exhibits Queen Anne and Edwardian styling (Appendix B).

1.3 Cultural Heritage Status

The property at 836 Wellington Street was designated on March 6, 1995, under Part IV *the Ontario Heritage Act* by By-law No. L.S.P.3250-29 for its historical or architectural value, consistent with the *Ontario Heritage Act* at the time of designation (Appendix C). The by-law describes both exterior and interior architectural reasons for the property's designation. The original slate roof at 836 Wellington Street is specifically noted in the description and is understood to be a heritage attribute of this heritage designated property.

The property is located within the Bishop Hellmuth Heritage Conservation District (designated 2001), however, the property is precluded from Heritage Conservation District (HCD) plan and guidelines. According to the Ontario Heritage Toolkit for HCDs "Properties in a HCD designated individually under section 29, will continue to be governed by the Part IV provisions respecting alterations, demolition or removal of structures, if the HCD was designated before the 2005 amendments to the act and if the municipality has not adopted a HCD plan in accordance with the requirements of section 41.1 of the act" (p33).

2.0 Legislative/Policy Framework

The *Provincial Policy Statement* (2014) states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." The *Official Plan* (1989, as amended)/ *The London Plan* (approved 2016) provides policies that cultural heritage resources will be conserved and protected.

2.1 Ontario Heritage Act

Heritage Alteration Permit approval is required to make alterations to a property designated under Part IV of the *Ontario Heritage Act* that is likely to affect the property's heritage attributes. Per Section 33 of the *Ontario Heritage Act*, "No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under subsection 29 (6)".

As the alteration of removing the original slate roof is likely to affect the property's heritage attributes and was undertaken prior to obtaining Heritage Alteration Permit approval, this application met the Conditions for Referral defined within the Delegated Authority By-law (By-law No. C.P.-1502-129), thus requiring consultation with the London Advisory Committee on Heritage (LACH) and a decision by Municipal Council.

The *Ontario Heritage Act* enables municipalities to give the applicant:

- (i) consent to the application,
- (ii) consent to the application on terms and conditions, or
- (iii) refuse the application; and

Municipal Council must respond within 90 days after receipt of a Heritage Alteration Permit application (Section 33, *Ontario Heritage Act*).

3.0 Heritage Alteration Permit Application

A complaint from the community brought this unapproved alteration to the attention of the Heritage Planners. A Heritage Planner investigated and noted during a site visit on July 10, 2018 that removal of the slate and application of “GAF Slateline” asphalt shingle had begun; work on the roof was immediately halted.

A Heritage Alteration Permit application was received on August 20, 2018 by the property owner. The property owner has applied for a Heritage Alteration Permit to:

- Remove all slate from the existing slate roof; and
- Replace slate with “GAF Slateline” asphalt shingles.

Per Section 33 of the *Ontario Heritage Act*, the 90-day timeline for the Heritage Alteration Permit application will expire on November 17, 2018.

4.0 Analysis

The property owner, in consultation with their contractor, has demonstrated that the current slate roof has deteriorated and is in need of replacement. The slate tiles and existing fasteners have worn to the point that slate tiles fall from the roof. The falling of slate tiles is a safety risk for the property owner, the public and for both the interior and exterior heritage attributes (i.e. water damage).

Slate would be the most appropriate replacement, however, the estimated replacement cost of \$80,000 is understood to be prohibitive. Therefore, alternative replacement materials may be considered.

When considering an alternative material, the new material should be clearly distinguishable and compatible to the existing property. The Eight Guiding Principles in the Conservation of Built Heritage Properties are the Ontario Ministry of Culture’s statement on good cultural heritage conservation practice. Principle 7 addresses legibility of new work:

7. LEGIBILITY:

-New work should be distinguishable from old. Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

The proposed use of asphalt shingles is a suitable material and has been supported by staff and the LACH in the past. However, the attempt to mimic the characteristics of slate tiles with an asphalt shingle is not always appropriate. In this case, the proposed material is also inauthentic in style, detail and proportions, which affects the legibility and integrity of the existing heritage fabric. Therefore, staff recommends that the proposed replacement material be in style of conventional asphalt shingles in order for the new material to be clearly distinguishable. To ensure distinguishability and compatibility, the final chosen replacement must be to the satisfaction of the Heritage Planner.

5.0 Conclusion

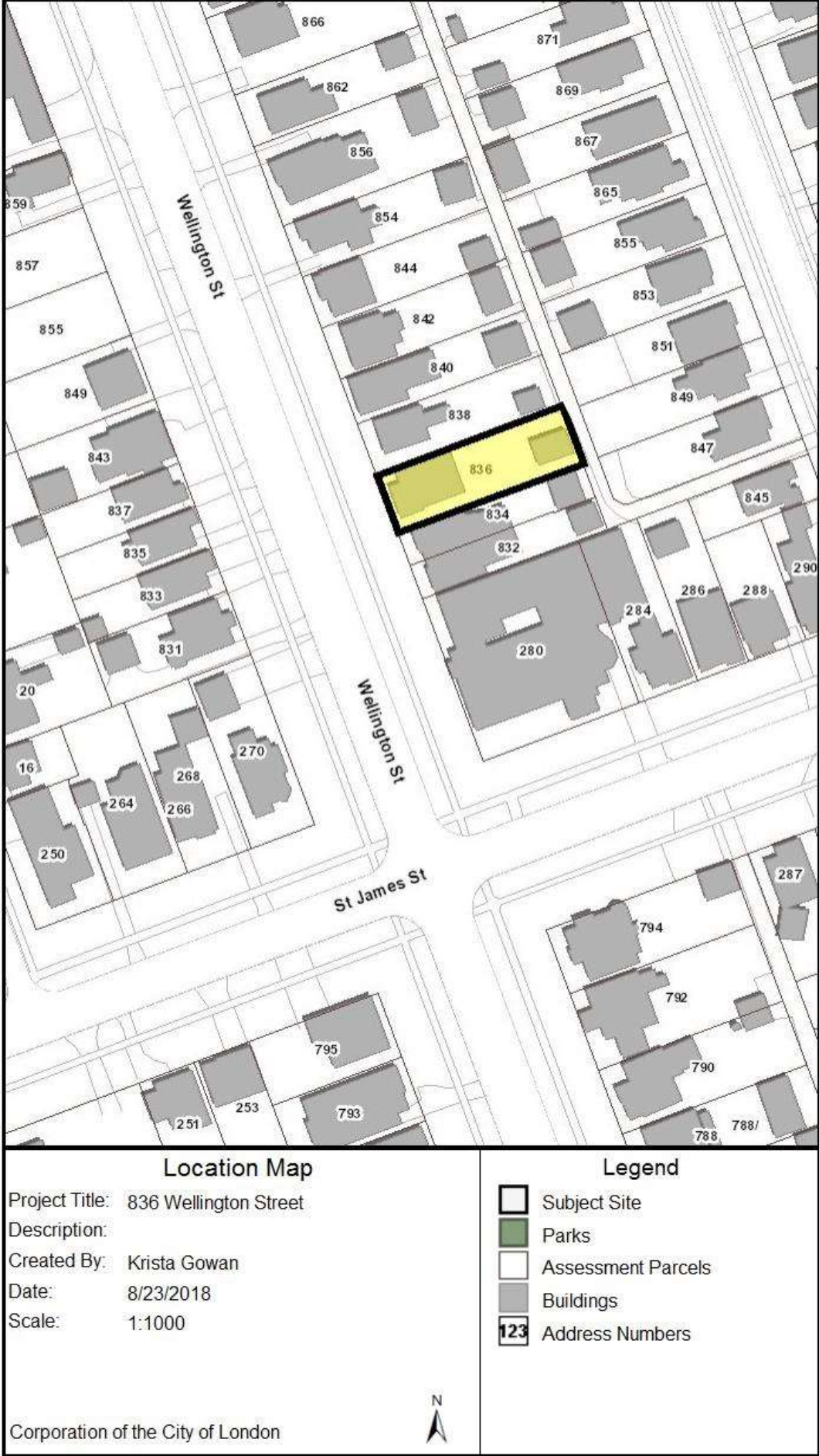
The removal of the existing slate roof, a heritage attribute, was removed and partially replaced by an asphalt shingle without Heritage Alteration Permit approval. The existing slate roof is in need of replacement and the proposed use of asphalt shingles is a suitable replacement material. The style of the asphalt shingle replacement should be in style of conventional asphalt shingles and the final chosen replacement must be to the satisfaction of the Heritage Planner.

Prepared by:	Krista Gowan Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

September 4, 2018

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Appendix A - Map



Appendix B – Images



Image 1: View of the property located at 836 Wellington Street (c.1995) – note the slate roof



Image 2: View of the property located at 836 Wellington Street (date unknown)



Image 3: View of the property located at 836 Wellington Street – during site visit on July 10, 2018



Image 4: View of the property located at 836 Wellington Street – during site visit on July 10, 2018

Appendix C – By-law No. L.S.P.-3250-29

THE CORPORATION OF THE CITY OF LONDON



DEPARTMENT OF THE CITY CLERK
K.W. SADLER, CITY CLERK

CITY OF LONDON
PLANNING DIVISION

RECORDED MAR 06 1995

REFERRED TO
SUBSEQUENT REFERRALS

- FOR ACTION
- FOR INFORMATION
- FOR REPORT
- FOR FILE
- E.F. *MGI*
- OTHER

REGISTERED

March 6, 1995

Roderick James Leishman
Carolina Antonia Leishman
836 Wellington Street
London ON N6A 3S7

Re: Designation of 836 Wellington Street
The Ontario Heritage Act, R.S.O. 1990, c. 0.18

Please find enclosed, for your information, a certified copy of By-law No. L.S.P.-3250-29, entitled "A by-law to designate 836 Wellington Street to be of architectural value.", passed by the Municipal Council of the Corporation of the City of London on February 6, 1995 and registered as Instrument No. 375357 on February 9, 1995.

The Local Architectural Conservation Advisory Committee will be contacting you at a later date to determine whether or not you wish to have a plaque mounted on this building to designate it as a site of architectural value.


for C. Geraghty
J. A. Malpass
Assistant City Clerk
/crg

Encl.

cc: ~~H. A. Pulver~~ *M. Gladysz*
R. Cerminara
M. Huard
M. Stephens, 763 Leroy Avenue, London, ON N5Y 4G8

PLANNING DIVISION
SCANNED

300 DUFFERIN AVENUE, P.O. BOX 5035, LONDON, ONTARIO N6A 4L9
TELEPHONE: (519) 661-4530 FAX: (519) 661-4892



Province of Ontario

Document General

Form 4 - Land Registration Reform Act, 1984

ONE & BROTHERS (C) LIMITED
Form No. 989

D

375357

CERTIFICATE OF RECEIPT
MIDDLESEX NO. 33 (LONDON)

'95 FEB 9 12 07

McSmith
LAND REGISTRAR

(1) Registry Land Titles (2) Page 1 of 3 pages

(3) Property Identifier(s) Block Property
08241 0011 Additional See Schedule

(4) Nature of Document
By-law No. L.S.P.- 3250-29

(5) Consideration
Dollars \$

(6) Description
Lot 2 and Part Lot 3 on the east side of Wellington Street, according to Registered Plan 242, being all of PIN 08241-0011

New Property Identifiers Additional See Schedule

Executions Additional See Schedule

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch (b) Schedule for: Description Additional Parties Other

(8) This Document provides as follows:

TO: THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX EAST (No. 33)
The Corporation of the City of London has an unregistered estate, right, interest or equity in the lands described herein and registered in the name of Roderick James Wallace Leishman and Carolina Antonia Wilhelmina Leishman and hereby applies under Section 71 of the Land Titles Act, R.S.O. 1990, for the entry of a Notice of By-law in the register for the said parcel.

Continued on Schedule

(9) This Document relates to Instrument number(s)
795953

(10) Party(ies) (Set out Status or Interest)
Name(s) Signature(s) Date of Signature
THE CORPORATION OF THE CITY OF LONDON *K. W. Sadler* 95 02 08
Applicant K. W. Sadler
City Clerk

(11) Address for Service P.O. Box 5035, London, Ontario N6A 4L9

(12) Party(ies) (Set out Status or Interest)
Name(s) Signature(s) Date of Signature

PLANNING DIVISION
SCANNED

(13) Address for Service

(14) Municipal Address of Property 836 Wellington Street

(15) Document Prepared by:
CITY CLERK'S OFFICE
CITY OF LONDON

Fees and Tax

Registration Fee	

Bill No. 44
1995

By-law No. L.S.P.-3250-29

A by-law to designate 836 Wellington Street to be
of architectural value.


WHEREAS pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic or architectural value or interest;

AND WHEREAS notice of intention to so designate the property known as 836 Wellington Street has been duly published and served and no notice of objection to such designation has been received;

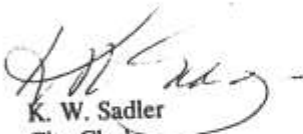
The Municipal Council of The Corporation of the City of London enacts as follows:

1. There is designated as being of architectural value or interest, the real property at 836 Wellington Street, more particularly described in Schedule "A" hereto, for the reasons set out in Schedule "B" hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in the London Free Press, and to enter the description of the aforesaid property, the name and address of its registered owner, and short reasons for its designation in the Register of all properties designated under the *Ontario Heritage Act*, R.S.O. 1990.
4. This by-law comes into force on the day it is passed.

PASSED in Open Council on February 6, 1995.



Dianne Haskett
Mayor



K. W. Sadler
City Clerk

First reading - February 6, 1995
Second reading - February 6, 1995
Third reading - February 6, 1995

SCHEDULE "A"

To By-law No. L.S.P.-3250-29

Lot 2 and Part Lot 3 on the east side of Wellington Street, according to Registered Plan 242, being all of PIN 08241-0011.

As in Instrument Number 795953.

SCHEDULE "B"

To By-law No. L.S.P.-3250-29

Architectural Reasons

This two-and-1/2-storey, painted brick house with an original slate roof and a rusticated stone foundation was built in 1907. The house possesses characteristics associated with Queen Anne and Edwardian influences, and is balanced and well-proportioned in its form. The Queen Anne attributes can be seen in the complicated massing and shingled gables. The Edwardian influence can be seen in the classic inspiration of the decorative treatments. This is particularly notable in the dramatic L-shaped porch, with its simple balusters and its modified columns with multiple columns at the corners. The house has several window types with interesting decorative treatments. The frame of the round window on the south side features decorative wooden keystones; the wooden spandrels of the round-headed windows on the north and west are adorned with a sunburst pattern outside and inside. Except for the round window, a bay window on the south side of the house, and windows in the south and east gables, all original windows are built into wooden frames that protrude a few inches from the house to form shallow oriel windows, supported by wooden brackets. The round and round-headed windows on the south and west contain stained glass; those on the north a sunburst pattern cut into the glass. Wooden brackets of various sizes adorn the eaves.

Inside, oak panelling lines the vestibule, the hall, the den, and the dining room. The living room and den contain fireplaces with oak mantelpieces in which the upper members are supported by Ionic columns. The main door and window surrounds in the rooms listed above, the newel post, and the stair balusters are also of oak; the lintels of doors and windows feature classical mouldings and dentils. The hall, living room, den, and dining room all feature beamed ceilings.



CITY OF LONDON BY-LAW CERTIFICATION RECORD

I, K. W. Sadler, City Clerk
of the Corporation of the City of London, hereby certify that the By-law hereunder is a true
copy of By-law No. L.S.P.-3250-29
of the City of London, passed on February 6 19 95.
DATED at London, Ontario this 6th day of March 19 95.
[Signature]
Signature