

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit application by R. Devereux at 1058
Richmond Street, By-law No. L.S.P.-3155-243

Meeting on: Wednesday February 12, 2020

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* seeking retroactive approval for alterations to roof of the property 1058 Richmond Street, By-law No. L.S.P.-3155-243, **BE REFUSED**.

Executive Summary

The property at 1058 Richmond Street is designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3155-243. The heritage designating by-law specifically identifies the wood shingle roof, which is understood to be a heritage attribute of the property. The wood shingle roof was replaced with an asphalt shingle roof without Heritage Alteration Permit approval in August 2019. The property owner has applied for a retroactive Heritage Alteration Permit to recognize the change in the roof. The asphalt roof fails to achieve sufficiently compatible visual and physical characteristics of the wood shingle roof. The replacement of the roofing material fails to conserve this heritage attribute of the property and does not comply with the applicable policies of *The London Plan* or the direction of the *Provincial Policy Statement* to conserve significant built heritage resources. The retroactive Heritage Alteration Permit application should be refused and the property owner required to make a new Heritage Alteration Permit application for a roofing material which conserve this heritage attribute, or the City may lay charges pursuant to the *Ontario Heritage Act*.

Analysis

1.0 Background

1.1 Location

The property at 1058 Richmond Street is located on the southeast corner of Richmond Street and Sherwood Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 1058 Richmond Street is designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3155-243 (Appendix B). By-law No. L.S.P.-3155-243 was passed by Municipal Council on September 8, 1992 and was registered on the title of the property at 1058 Richmond Street on September 11, 1992. The property was designated for its “architectural value,” consistent with the requirements of the *Ontario Heritage Act* prior to amendments in 2005.

1.3 Description

The property is described in its heritage designating by-law (By-law No. L.S.P.-3155-243) as,

Built in 1929 by Hayman Construction, this Arts and Crafts inspired house reflects English vernacular architecture. The most notable feature of the house is the steeply pitched, slightly flared roof which gives the house a picturesque quality. The front façade presents an imposing appearance to Richmond Street, its wood shingle roof and red and brown brick giving the house its strong textural qualities. An imposing front door with matching storm door and a small canopy

are noteworthy. A garage is attached to the back of the house. A wall around the backyard completed in 1984 relates well to the building.

See photographs in Appendix C.

1.4 Previous Applications

In 1993, the reconstruction/restoration of the chimney of the property at 1058 Richmond Street was supported by a Designated Property Grant.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2014) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 Ontario Heritage Act

Section 33 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) Consent to the application;
- b) Consent to the application on terms and conditions; or,
- c) Refuse the application (Section 33(4), *Ontario Heritage Act*).

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 33(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Applicable policies:

Policy 587_,

Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the Ontario Heritage Act.

Policy 589_,

A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may designate approval for such permits to an authority.

3.0 Heritage Alteration Permit Application

The property management company inquired, via email, with the Heritage Planner, on June 21, 2019, regarding the potential replacement of the existing wood shingle roof. The Heritage Planner replied, via email, advising that Heritage Alteration Permit approval was required for replacement of the wood shingle roof of the property at 1058 Richmond Street.

A complaint from the community brought unapproved alterations underway to the property at 1058 Richmond Street to the attention of the City on August 26, 2019. The Heritage Planner investigated the complaint on August 26, 2019 (see photographs in Appendix C).

The Heritage Planner attempted to contact the property owner via registered mail, with a letter also sent on August 26, 2019. The registered letter was returned as undeliverable. Eventually, the Heritage Planner was able to contact the property owner via email on September 9, 2019. A meeting between the property owner and Heritage Planner occurred on September 19, 2019, where further information on the replacement of the wood shingle roof with asphalt shingles was requested by the Heritage Planner to be submitted with a Heritage Alteration Permit application.

The Heritage Alteration Permit application was submitted by the property owner and received on December 4, 2019. The property owner has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for removal of the former wood shingle roof and its replacement with asphalt shingles.

The following information was submitted for the Heritage Alteration Permit application:
By the summer of 2019, the existing cedar shakes had deteriorated to the point of substantial interior leaking. This leaking was compromising the structural integrity of the property. An emergency roof replacement had to be undertaken to stem the leaking. A cedar material order was quoted at two to three months to secure material and install from numerous suppliers. Time was not on my side, so I tried to match the colour of the roof as closely to the original as possible and address the imminent water problem.

No quotes or other information was submitted as part of the Heritage Alteration Permit application.

As this alteration have been completed prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Per Section 33(4) of the *Ontario Heritage Act*, Municipal Council must make a decision on this Heritage Alteration Permit application by March 3, 2020 or the request is deemed permitted.

4.0 Analysis

The “wood shingle roof” is clearly identified as a heritage attribute in the heritage designating by-law for the property at 1058 Richmond Street. By-law No. L.S.P.-3155-243 is registered on the title of the property. There is a blue City of London heritage property plaque affixed near the front door of the property.

By email, the representative of the property owner (the property management company) was advised of the obligations to obtain Heritage Alteration Permit approval on June 21, 2019.

Alterations were underway on August 26, 2019, approximately two months following the correspondence between the representative of the property owner and the loss of the wood shingle roof.

4.1 Previous Heritage Alteration Permit applications - Roofs

4.1.1 836 Wellington Street, Part IV

The slate roof was specifically identified in the heritage designating by-law for the property at 836 Wellington Street, individually designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3104-15. A complaint brought the removal of the slate roof without a Heritage Alteration Permit to the attention of the City.

Subsequently, a Heritage Alteration Permit application (HAP18-042-L) was received. Staff recommended that the proposed “slateline” asphalt shingles (faux slate) be replaced by conventional asphalt shingles; the “slateline” shingles were supported by the London Advisory Committee on Heritage at its meeting on September 12, 2018 and approved with terms and conditions by Municipal Council at its meeting on October 3, 2018. See photographs in Appendix D.

4.1.2 309-311 Wolfe Street, West Woodfield Heritage Conservation District

The property at 309-311 Wolfe Street is located within the West Woodfield Heritage Conservation District. Roof changes, including changes to roofing material, require Heritage Alteration Permit approval per the *West Woodfield Heritage Conservation District Plan*.

In their Heritage Alteration Permit application (HAP18-016-D), the applicant provided detailed information demonstrating that the slate roof was beyond its lifespan and required replacement; repair was no longer feasible. The applicant provided detailed information (including material specifications and quotes) on potential replacement materials including slate, composite, metal, and asphalt shingles. The cost for the replacement of the roof was prohibitive to the property owner, and per Section 10.3.1 of the *West Woodfield Heritage Conservation District Plan*, alternatives were considered. The proposed use of a rubber composite roofing material (“Euroshield Heritage Slate”) was selected as the most appropriate slate alternative for the roofing material and was supported in the Heritage Alteration Permit approval granted. See photographs in Appendix D.

4.1.3 516 Grosvenor Street, Part IV

The wood shingle roofing of the property at 516 Grosvenor Street was specifically identified in its heritage designating by-law, By-law No. L.S.P.-3232-468. A Heritage Alteration Permit application was submitted in 2016 for the proposed replacement of the wood shingle roof with a composite rubber product (“Euroshake”). The cedar roof was last replaced in 1996, demonstrating a 20 year lifespan for the cedar roof. Within the Heritage Alteration Permit application, quotes were provided for a cedar roof as well as a composite roof. Staff recommended that the composite rubber product (“Euroshake”) be approved as it maintained the physical and visual characteristics of the cedar roof. The London Advisory Committee on Heritage (LACH) was consulted on this Heritage Alteration Permit application at its meeting on April 13, 2016, and the replacement of the cedar roof with the composite rubber product (“Euroshake”) approved by Municipal Council at its meeting on May 3, 2016. See photographs in Appendix D.

4.2 Appropriate Roofing Materials

In the cited examples of the roofing replacements at the properties at 309-311 Wolfe Street and 516 Grosvenor Street, the Heritage Alteration Permit application process facilitated a decision-making process where the most appropriate roofing material was selected when it was demonstrated that it was no longer feasible to repair and retain the existing roofing material (heritage attribute). In both of those cases, an alternative replacement roofing material was selected due to the financial limitations of the property owners. However, the appropriate roofing material was selected based on its physical and visual characteristics of the original roofing material as a heritage attribute of the property.

While the Heritage Alteration Permit application cited an effort by the property owner to colour match the asphalt shingles to the wood shingles, it is not successful. The asphalt shingles fail to suitably replicate the physical and visual characteristics of the wood shingle roofing which was protected as a heritage attribute of the property at 1058 Richmond Street. The former cedar roof had a textual quality that contributed to the property’s identification as an example of the Arts and Crafts style and English vernacular architectural style. The change results in a roof that is flat in appearance, with no dimension or physical texture that wood shingles demonstrate. The loss of the wood shingle roof diminishes the architectural value of the property and fails to conserve this heritage attribute of the property. Furthermore, the colour of the asphalt

shingle roof does not faithfully replicate the true colour of a wood shingle roof which changes colour as it ages (unlike asphalt shingles).

5.0 Conclusion

The wood shingle roof of the property at 1058 Richmond Street was removed and replaced with an asphalt shingle roof without Heritage Alteration Permit approval. The asphalt shingle roof is an inappropriate substitute for the wood shingle roof that was specifically identified in the heritage designating by-law and is understood to be a heritage attribute of the property. The change in roofing material has caused an adverse impact on the property's cultural heritage values. The asphalt shingles fail to conserve the "architectural value" (cultural heritage values) of the property at 1058 Richmond Street, does not conform to the policies of *The London Plan*, and is inconsistent with the direction of the *Provincial Policy Statement* to conserve significant built heritage resources. The Heritage Alteration Permit application seeking retroactive approval for the replacement of the wood shingle roof with an asphalt shingle roof should be refused.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted and Recommended by:	Gregg Barrett, AICP Director, City 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 City Planning.	

February 5, 2020
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- Appendix A Property Location
- Appendix B By-law No. L.S.P.-3155-243
- Appendix C Images
- Appendix D Examples of Other Roof Replacements

Appendix A – Location

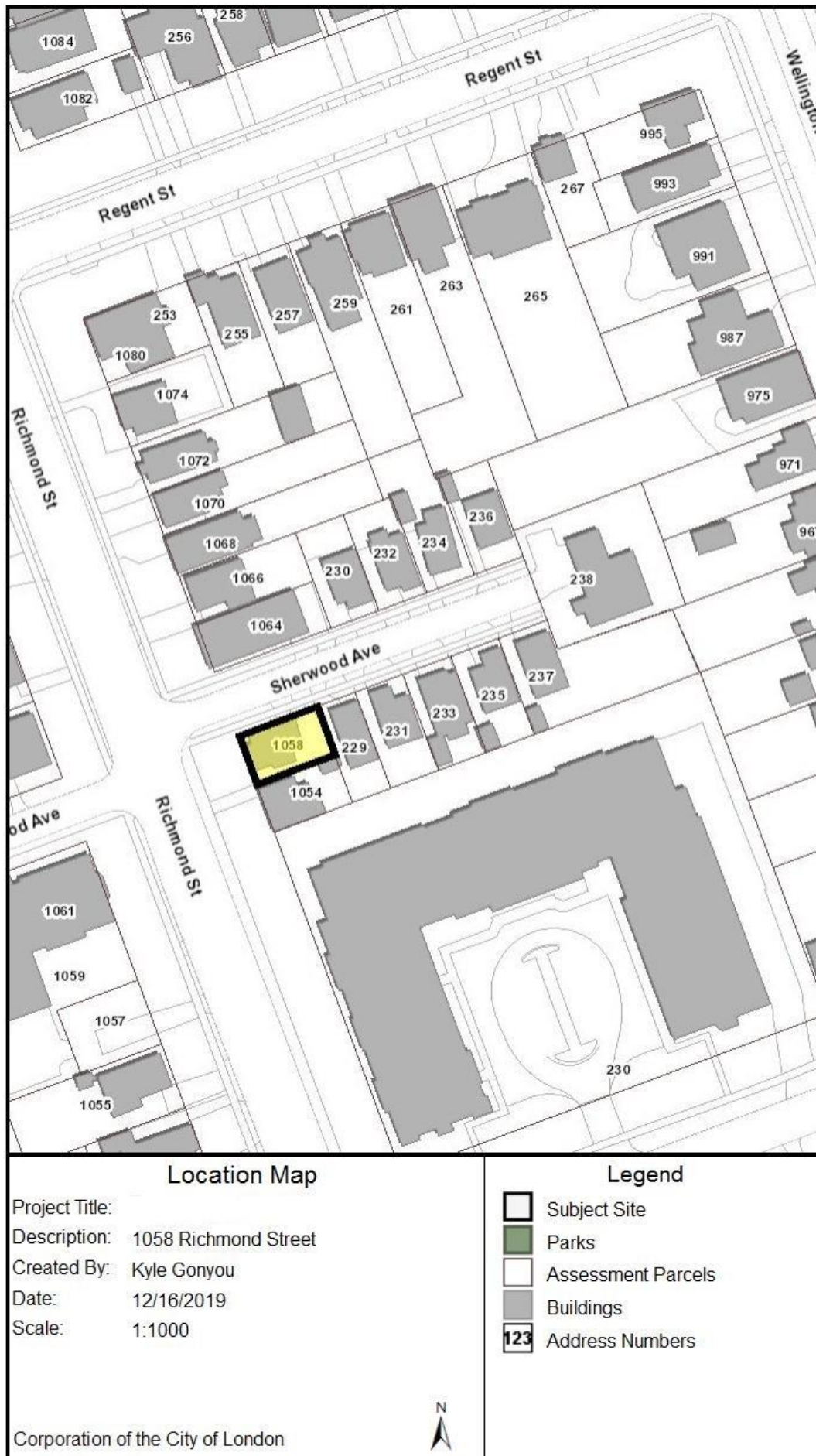



Figure 1: Location map of the subject property at 1058 Richmond Street.

Appendix B – By-law No. L.S.P.-3155-243

DYE & DURHAM CO. LIMITED
 Form No. 985




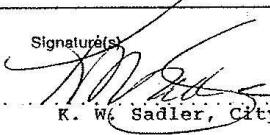
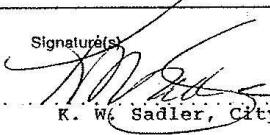
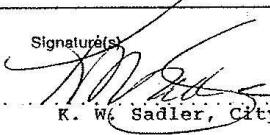
Document General

Form 4 – Land Registration Reform Act, 1984

279914
 RECEIVED
 CERTIFICATE OF RECEIPT

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 MIDDLESEX
 P.O. 33
 LAND REGISTRATION DIVISION
 LONDON ONT.

(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/>	(2) Page 1 of 3 pages										
(3) Property Identifier(s) Block: 08242 Property: 0095	Additional: See Schedule <input type="checkbox"/>										
(4) Nature of Document By-law No. L.S.P.-3155-243											
(5) Consideration Dollars \$											
(6) Description Part of Lots 1 and 2 on Registered Plan 261 in the City of London and County of Middlesex as in Instrument No. 119407.											
New Property Identifiers Additional: See Schedule <input type="checkbox"/>	(7) This Document Contains: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">(a) Redescription New Easement Plan/Sketch <input type="checkbox"/></td> <td style="border: none;">(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/></td> </tr> </table>	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>								
(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>										
(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 land described herein and registered in the name of The Corporation of the City of London ^{John Hillson, Funston} and hereby applies under Section 74 of the Land Titles Act for the entry of a Notice of By-law in the register for the said parcel.											
Continued on Schedule <input type="checkbox"/>											
(9) This Document relates to instrument number(s) 119407											
(10) Party(ies) (Set out Status or Interest) <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Name(s) THE CORPORATION OF THE CITY OF LONDON Applicant </td> <td style="width: 20%; border: none;"> Signature(s)  K. W. Sadler, City Clerk </td> <td style="width: 30%; border: none;"> Date of Signature Y M D 1992 09 11 </td> </tr> </table>		Name(s) THE CORPORATION OF THE CITY OF LONDON Applicant	Signature(s)  K. W. Sadler, City Clerk	Date of Signature Y M D 1992 09 11							
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(11) Address for Service P.O. Box 5035, London, Ontario, N6A 4L9											
(12) Party(ies) (Set out Status or Interest) <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Name(s)</td> <td style="width: 20%; border: none;">Signature(s)</td> <td style="width: 30%; border: none;">Date of Signature Y M D</td> </tr> <tr> <td style="border: none;"> </td> <td style="border: none;"> </td> <td style="border: none;"> </td> </tr> </table>		Name(s)	Signature(s)	Date of Signature Y M D							
Name(s)	Signature(s)	Date of Signature Y M D									
(13) Address for Service											
(14) Municipal Address of Property 1058 Richmond Street	(15) Document Prepared by: City Clerk's Department P.O. Box 5035 London, Ontario N6A 4L9										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Fees and Tax</th> </tr> </thead> <tbody> <tr> <td style="width: 60%;">Registration Fee</td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td> </td> </tr> </tbody> </table>		Fees and Tax		Registration Fee						Total	
Fees and Tax											
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10174 (12/84)

Bill No. 371
1992

By-law No. L.S.P.-3155-243

A by-law to designate 1058 Richmond Street to be of architectural value.

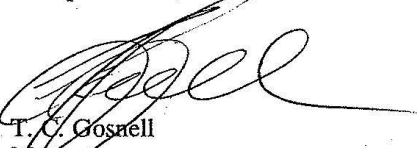
WHEREAS pursuant to The Ontario Heritage Act, R.S.O. 1990, c. 0.18, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic or architectural value or interest;

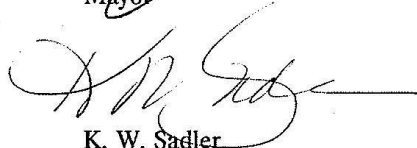
AND WHEREAS notice of intention to so designate the property known as 1058 Richmond Street has been duly published and served and no notice of objection to such designation has been received;

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 1058 Richmond 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 September 8, 1992.


T. C. Gosnell
Mayor


K. W. Sadler
City Clerk

First reading - September 8, 1992
Second reading - September 8, 1992
Third reading - September 8, 1992

SCHEDULE "A"

To By-law No. L.S.P.-3155-243

Parts of Lots 1 and 2 according to Registered Plan 261 in the City of London and County of Middlesex more particularly described as:

All and Singular that certain parcel or tract of land and premises situate lying and being in the City of London, in the County of Middlesex and being composed of Parts of Lots Numbers Two and One according to Registered Plan Number 261, more particularly described as follows:

Commencing in the eastern limit of Richmond Street at the point of its intersection with the southern limit of Sherwood Avenue, being the north-west angle of the said Lot Number Two;

Thence southerly along the eastern limit of Richmond Street being the westerly limit of Lots Two and One, Thirty-eight Feet (38') to a point;

Thence easterly parallel with the southern limit of Sherwood Avenue, being the northerly limit of said Lot Two, Sixty Feet (60');

Thence northerly and parallel with the eastern limit of Richmond Street being the westerly limit of Lots One and Two, Thirty-eight Feet (38') more or less to the southern limit of Sherwood Avenue, being the northerly limit of Lot Two;

Thence westerly along the southern limit of Sherwood Avenue being the northerly limit of Lot Two, Sixty Feet (60') more or less to the place of beginning.

Being and Intended to be all of the land conveyed under the Deed Registered as No. 119407, being the last registered conveyance of the property.

SCHEDULE "B"

To By-law No. L.S.P.-3155-243

Architectural Reasons

Built in 1929 by Hayman Construction, this Arts and Crafts inspired house reflects English vernacular architecture. The most notable feature of the house is the steeply pitched, slightly flared roof which gives the house a picturesque quality. The front facade presents an imposing appearance to Richmond Street, its wood shingle roof and red and brown brick giving the house its strong textural qualities. An imposing front door with matching storm door and a small canopy are noteworthy. A garage is attached to the back of the house. A wall around the backyard completed in 1984 relates well to the building.

Appendix C – Images



Image 1: Photograph of the property at 1058 Richmond Street (c.1990).



Image 2: Detail photograph of the property at 1058 Richmond Street, emphasizing the wood shingle roof (c.1990).



Image 3: Photograph of the property at 1058 Richmond Street (January 18, 2018).



Image 4: Photograph of the property (front/west elevation) at 1058 Richmond Street on August 26, 2019 showing work underway to remove the wood shingle roof and replace it with asphalt shingles.



Image 5: Photograph of the property (front/west and south elevations) at 1058 Richmond Street on August 26, 2019 showing work underway to remove the wood shingle roof and replace it with asphalt shingles.



Image 6: Photograph of the property (north and front/west elevations) at 1058 Richmond Street on August 26, 2019 showing work underway to remove the wood shingle roof and replace it with asphalt shingles.



Image 7: Photograph of the property (east and north elevations) at 1058 Richmond Street on August 26, 2019 showing work underway to remove the wood shingle roof and replace it with asphalt shingles.



Image 8: Photograph showing the completed roofing replacement with asphalt shingles on the property at 1058 Richmond Street (north and front/west elevations) on September 17, 2019.



Image 9: Photograph showing the completed roofing replacement with asphalt shingles on the property at 1058 Richmond Street (east and north elevations) on September 17, 2019.



Image 10: Photograph showing the completed roofing replacement with asphalt shingles on the property at 1058 Richmond Street (west/front elevation) on September 17, 2019.



Image 11: Photograph showing the completed roofing replacement with asphalt shingles on the property at 1058 Richmond Street (front/west and south elevations) on September 17, 2019.

Appendix D – Examples of Other Roof Replacements



Image 12: Detail photograph showing the original slate roof of the property at 836 Wellington Street (July 9, 2018).



Image 13: Photograph of the property at 836 Wellington Street, following the replacement of the slate roof with an asphalt shingle ("slateline" faux slate).



Image 14: Photograph of the property at 309-311 Wolfe Street, showing the original slate roof on April 13, 2017.



Image 15: Photograph of the property at 309-311 Wolfe Street following roofing replacement with a rubber composite product on January 15, 2020.



Image 16: Detail photograph showing the rubber composite product on the property at 309-311 Wolfe Street on January 15, 2020 contrasted with the slate shingles of the adjacent property at 315 Wolfe Street.



Image 17: Showing the streetscape of the south side of Wolfe Street, a variety of roofing materials can be seen. From right to left: asphalt shingles, metal roof, asphalt shingles, composite shingles, slate, and asphalt shingles. Some roofing materials are clearly more compatible with the heritage character of the West Woodfield Heritage Conservation District and the individual cultural heritage resources.



Image 18: Photograph of the property at 516 Grosvenor Street in April 2016, showing the cedar shingle roof (courtesy Google).



Image 19: Photograph of the property at 516 Grosvenor Street on January 15, 2020, following replacement of the wood shingle roofing with a composite rubber roofing product.



Image 20: Detail photograph of the composite roof product used on the property at 516 Grosvenor Street to replace the wood shingle roof.