

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, P.Eng.
Managing Director, Development and Compliance Services
and Chief Building Official

Subject: Demolition Request for Heritage Designated Property at 93-95
Dufferin Avenue by Old Oak Properties

Date: March 1, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Old Oak Properties relating to the property located at 93-95 Dufferin Avenue:

- (a) The request to demolish the buildings on the heritage designated property at 93-95 Dufferin Avenue, **BE REFUSED** for the following reasons:
- i) Demolition runs contrary to the *PPS-2020* and is inconsistent with policies of *The London Plan*.
 - ii) The property continues to demonstrate significant cultural heritage value.
 - iii) The condition of the building does not sufficiently warrant the demolition of this heritage designated property.
 - iv) Demolition will contribute to the continual loss of significant heritage buildings designed by Samuel Peters.
 - v) Demolition does not support previous commitments and confirm public expectations through an approved bonus zone that conserved the properties at 93-95 Dufferin Avenue.
- (b) The Chief Building Official **BE ADVISED** of Municipal Council's intention in this matter.

Executive Summary

Summary of Request

93-95 Dufferin Avenue is a heritage property, designated pursuant to Part IV of the *Ontario Heritage Act*. The property owner has requested consent of Municipal Council to demolish the buildings on the property in accordance with Section 34(1) of the *Ontario Heritage Act*.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to refuse the demolition request. The effect of the recommended action is to uphold the heritage designating by-law (By-law No. L.S.P.-3469-18) and retain the buildings on the property at 93-95 Dufferin Avenue for integration into the new, mixed-use development, as previously approved by Council (By-law No.Z.1-162518).

Rationale of Recommended Action

The request for demolition of 93-95 Dufferin Avenue is recommended for refusal for the following reasons:

- Demolition of heritage designated properties is contrary to provincial direction (PPS-2020) and inconsistent with policies of *The London Plan*.
- The property continues to demonstrate significant cultural heritage value.
- The condition of the building does not sufficiently warrant the demolition of this heritage designated property; aging and deterioration of masonry and mortar has

not resulted in the loss of heritage integrity of the buildings as a whole form, or the integrity of individual heritage attributes.

- Demolition of 93-95 Dufferin Avenue will contribute to the continual loss of significant heritage buildings designed by Samuel Peters.
- Demolition does not support previous commitments and confirm public expectations through an approved bonus zone that conserved the properties at 93-95 Dufferin Avenue.

Linkage to the Corporate Strategic Plan

Refusal of the requested demolition of 93-95 Dufferin Avenue contributes to implementing the City's 2019-2023 Strategic Plan through 'Strengthening Our Community', by continuing to conserve London's heritage properties and archaeological resources. (p11)

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

September 21, 2015 — Report to Planning and Environment Committee – 11th Report of the London Advisory Committee on Heritage (LACH).

September 6, 2016 — Report to Planning & Environment Committee – 100 Fullarton Street, 475-501 Talbot Street & 93-95 Dufferin Avenue PPM (Z-8617).

July 17, 2017—Report to Planning & Environment Committee – Request for Designation, Heritage Listed Property at 93-95 Dufferin Avenue.

1.2 Property Location

93-95 Dufferin Avenue is located on the south side of Dufferin Avenue (formerly Maple Street/Hitchcock Street), between Talbot and Ridout Streets in London, Ontario (Appendix A). It is part of a larger property that also includes 100 Fullarton Street and 475-501 Talbot Street (Camden Terrace) This property was consolidated to facilitate a commercial-residential point tower development type with a 9-storey podium and two towers of 29 and 38 storeys. Presently, 93-95 Dufferin Avenue is vacant (operating with commercial uses up until 2019), and the remaining property is now partially under construction.

The property is bordered to the south and east by the Downtown Heritage Conservation District. It is also located within an area – colloquially known as 'North Talbot' – which is associated with very early urban development in London. North Talbot has been identified in *Heritage Places 2.0* as a potential, future heritage conservation district, and is currently being inventoried as a precursor to a heritage study required for district designation.

1.3 Cultural Heritage Status

The double house at 93-95 Dufferin Avenue was primarily constructed in two phases but maintains cohesion across its two parts. The first, 93 Dufferin Avenue, was constructed circa 1864, as the home of Samuel Peters, and 95 Dufferin Avenue was added in 1894 (Appendix B). The cultural heritage value of 93-95 Dufferin Avenue has long been recognized and celebrated by Londoners. The property has been a feature of the 1988 and 2010 Architectural Conservancy of Ontario – London Region Geranium Walk heritage educational tours.

93-95 Dufferin Avenue was designated in 2017 under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3469-18; the designation was part of a bonus zone outlined in zoning by-law amendment By-law No.Z.1-162518.

1.4 Description

93-95 Dufferin Avenue is believed to have been designed by London architect, surveyor and engineer — Samuel Peters (1822-1882). He was a notable Londoner for his contributions to the early development of the City particularly through his role as Town, then City Engineer, and for significant City landmarks attributed to his design.

This property consists of a semi-detached residential structure, constructed from buff brick, with a wide, single-leave primary entryway. A gradual stylistic evolution is evident across the façade from 93 to 95 Dufferin Avenue; from the Italianate style — depicted in 93 Dufferin's shallow hipped roof, supported by paired brackets, and the balanced architectural proportions in the three bays of the street-facing façade — to the Classical Revival style of 95 Dufferin expressed as a 'temple front' form an oval window in the gable pediment on the main façade, and laurel wreath detail. 93-95 Dufferin Avenue contributes to the history of the Talbot North area which quickly became London's first suburban area outside of the City-proper. The form and style of 93-95 Dufferin Avenue reflects the social status afforded to individuals who chose to settle in the Talbot North area.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

2.1.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (PPS-2020)* 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." (Section 2.6.1)

'Significant' is defined in the *PPS-2020* as, "[r]esources that have been determined to have cultural heritage value or interest." Further, "[p]rocesses and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*." (p51)

Additionally, 'conserved' means, "[t]he identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. To 'conserve' may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. [...] Mitigative measures and/or alternative development approaches can be included in these plans and assessments." (pp41-42)

2.1.2 Ontario Heritage Act

Revisions to the *Ontario Heritage Act* strengthened its protection of Ontario's cultural heritage resources. While the pre-2005 *Ontario Heritage Act* could only delay the demolition of a building located on a heritage designated property for 180 days, revisions to the *Ontario Heritage Act* in 2005 enabled municipalities to refuse demolition requests of buildings located on heritage designated properties.

Section 34 of the *Ontario Heritage Act (OHA)* directs that no owner of a property individually designated under Section 29 (i.e. Part IV) is permitted to demolish a building on the property unless a permit is obtained from the municipality to do so.

In requests for demolition of a building located on a heritage designated property, the *Ontario Heritage Act* (Section 34(2)) enables municipalities to give the applicant:

- a) the permit applied for;
- b) notice that the council is refusing the application for the permit; or
- c) the permit applied for, with terms and conditions attached.

Municipal Council must respond within 90-days after receipt of a demolition request. Consultation with the municipality's municipal heritage committee (the London Advisory Committee on Heritage) is required. Non-decision within 90-days, the refusal, or terms

and conditions on the approval of a demolition request may be appealed to the Local Planning Appeals Tribunal (LPAT). (Section 34 (4))

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that cultural heritage resources define the City's unique identity and contribute to its continuing prosperity. *The London Plan* states that, "the quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Importantly, "our heritage resources are assets that cannot be easily replicated, and they provide a unique living environment and quality of life. Further, "by conserving them for future generations, and incorporating, adapting, and managing them, London's cultural heritage resources define London's legacy and its future." (552_)

The cultural heritage policies of *The London Plan* are to:

1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
2. Conserve London's cultural heritage resources so they can be passed onto our future generations.
3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources. Generally, the policies of *The London Plan* support the conservation and retention of significant cultural heritage resources." (554_)

The policies of *The London Plan* support the conservation, maintenance, retention, and protection of London's cultural heritage resources [...] and Council approval for a demolition application is required as pursuant to the *Ontario Heritage Act* (Policy 590_).

The conservation of whole buildings in-situ is encouraged, while the reasons for designation and identified attributes of the property shall not be adversely affected.

- Policy 566_: Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation may be considered.
- Policy 568_: Conservation of whole buildings on properties identified on the Register is encouraged and the retention of facades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume.
- 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.

Where demolition or irrevocable damage has occurred, documentation may be required as well as interpretive techniques are encouraged where appropriate.

- Policy 567_: In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes.
- Policy 569_: Where, through the process established in the Specific Policies for the Protection, Conservation and Stewardship of Cultural Heritage Resources section of this chapter and in accordance with the *Ontario Heritage Act*, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate.
- Policy 591_: Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

2.1.4 Designating By-Law – 93-95 Dufferin Avenue (No. L.S.P.-3469-18)

93-95 Dufferin Avenue was designated in 2017 under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3469-18. The by-law outlines the cultural heritage value or interest of the property and reasons for its designation (Appendix C). 93-95 Dufferin Avenue is of cultural heritage value or interest because of its physical or design values, historical or associative values, and its contextual values. Heritage attributes which support and contribute to the cultural heritage value or interest of 93-95 Dufferin Avenue include (Appendix D):

- form and scale of a significant portion of the double house, including the northerly and westerly facades
- buff brick
- demonstration of the Italianate style in 93 Dufferin Avenue
- double storey bay window
- demonstration of the Classical Revival style in 95 Dufferin Avenue

2.2 Current Zoning By-Law Amendment (Z-9250)

2.2.1 Planning History

In 2016, By-law No.Z.1-1625-18 was approved to allow the rezoning of a consolidated property – including 100 Fullarton Street, 475-501 Talbot Street & 93-95 Dufferin Avenue – for the development of a mixed-use building. Stipulations of a bonus zone outlined in Sections 3 and 4 of the by-law included the conservation of 93-95 Dufferin Avenue and the commemoration of 479-489 Talbot Street (Camden Terrace). Demolition of Camden Terrace at 475-501 Talbot Street was predicated on these sections of the bonus zone agreement. These agreements were a form of public compensation in return for certain commitments by the then-owner of this property when permission was granted to demolish Camden Terrace and when site plan approval was granted.

This demolition request is one component of a current zoning by-law amendment (Z-9250) which seeks to revise Sections 3 and 4 of the By-law No.Z.1-162518; revisions to Section 3 specifically impact 93-95 Dufferin Avenue by allowing demolition and reconstruction of the façade of 93-95 Dufferin Avenue rather than retention in-situ.

The 2016 by-law specified the designation and conservation of 93-95 Dufferin Avenue: “Heritage conservation through designation under Part IV of the *Ontario Heritage Act*, and the retention and incorporation of a significant portion of the listed heritage property at 93-95 Dufferin Avenue into Phase 3 of the proposed development, including the incorporation of the existing northerly and westerly facades into the development design.” (Municipal Council Meeting, September 13, 2016, 14.a)ii; PEC Meeting, September 6, 2016, (a)ii).

The proposed demolition request is required to support the proposed Zoning By-law Amendment which seeks to revise designation and conservation of 93-95 Dufferin Avenue to what is being termed ‘commemoration’, through the re-use of salvaged materials (from the existing buildings) in the construction of new facades in their place.

2.2.2 Demolition Request

A request to demolish the existing building at 93-95 Dufferin Avenue was submitted by Zelinka Priamo Ltd. on behalf of the current property owner. The request was formally received by heritage planning staff on January 11, 2021, when a heritage impact assessment (dated Jan 11, 2021) was submitted to the City as a supporting report for the demolition request. Under the *Ontario Heritage Act* (Section 34), Municipal Council must pass a decision on the demolition request within 90-days of formal receipt of the request, or the request is deemed consented. The statutory deadline for decision is April 11, 2021. In accordance with Section 34(2) of the *Ontario Heritage Act*, the London Advisory Committee on Heritage (LACH) is being consulted at its meeting on February 10, 2021, and it is anticipated that LACH will have a recommendation available to present at the March 1, 2021 meeting of the Planning & Environment Committee. A

decision by Municipal Council is expected at the March 23, 2021 meeting. The 90-day statutory time frame for council decision will have been satisfied.

2.2.3 Consultation

Pursuant to Council Policy for demolition on heritage designated properties, notification of the demolition request will be sent to 310 residents and property owners within 120m of the subject property, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice will also be published in *The Londoner* on February 11, 2021. It is a policy and practice of Municipal Council that the demolition of heritage designated properties shall be considered at a public participation meeting before the Planning and Environment Committee. This item will be heard at the March 1, 2020 PPM of the Planning and Environment Committee.

2.2.3.1 Stewardship Sub-Committee (London Advisory Committee on Heritage)

At its meeting on January 27, 2021, the Stewardship Sub-Committee of the LACH, recommended that the demolition request for the double house on the heritage designated property at 93-95 Dufferin Avenue be refused for the following reasons:

- a) Retaining the double house in-situ is important to conserving its cultural heritage value.
- b) The property is significant because of its physical and design values, historical and associative values, and its contextual values.
- c) The property was designated pursuant to Part IV of the *Ontario Heritage Act* to protect its cultural heritage value and heritage attributes.
- d) The property continues to retain its cultural heritage value and heritage attributes, despite any repair or maintenance required.
- e) Other significant cultural heritage resources have been successfully incorporated into developments, without requiring demolition and facsimile replication, like the Armouries (325 Dundas Street) or the limestone façade of Kingmill's (130 Dundas Street).

2.2.3.2 Architectural Conservancy of Ontario – London Region Branch

A letter on behalf of the London Region branch of Architectural Conservancy Ontario (ACO London), was received in November 2020 by the site development planner. The letter expressed opposition to the requested zoning by-law amendment (Z-9250) for 100 Fullarton Street which will impact 93-95 Dufferin Street and 475-501 Talbot Street (the former Camden Terrace). Reasons cited for opposition – specifically of the demolition of 93-95 Dufferin Avenue – refer to sections of the *PPS-2020* which this decision would run contrary to: 1) supporting economic prosperity by conserving features that help define character, including built heritage resources; 2) conservation of significant built heritage resources and heritage attributes; and, 3) the protection of heritage properties/attributes when development occurs on or adjacent to protected properties (1.7.1(e), 2.6.1 and 2.6.3). Further, conservation of at least the northern and western façades of 93-95 Dufferin Street, in situ (as required by the bonus by-law), is stressed in the letter as enhancing the proposed development and an opportunity for design excellence rather than an inconvenience. Finally, the letter stressed that bonusing was negotiated by the city as a trade-off in return for certain commitments by the then-owner of this property when permission was granted to demolish Camden Terrace and when site plan approval was granted.

2.2.4 Heritage Impact Assessment

A heritage impact assessment (HIA prepared by Zelinka Priamo, dated January 11, 2021) was submitted to the City as a supporting report for the demolition request and as per policies of *The London Plan* (586_) [Appendix E]. The primary purpose of this HIA was to provide a rationale for the demolition request, assess the impacts of the proposed demolition on the heritage designated property, and to make recommendations to mitigate any adverse impacts that may arise.

The primary reason for the demolition request by the applicant is that the buildings on the property at 93-95 Dufferin Avenue show signs of aging and deterioration. Economic reasons related to construction costs and maintenance and long-term sustainability have also been mentioned. A Building Masonry Assessment completed in February 2020 by EXP Services Inc., concluded “the proposed method of retention has high potential for failure” due to “weathering and mortar loss and prior sandblasting of the exterior masonry and deterioration of the perimeter bricks of the foundation.” Based on these observations, Jablonsky, AST and Partners (consulting engineers) recommended to “dismantle the old, deteriorated façade and relace it with ‘new masonry’ matching the original architectural appearance.” Based on the results of the Building Masonry Assessment, the HIA concluded that demolition of the double house was the safest alternative.

Impacts were identified in the HIA which include destruction of the heritage resource in its entirety and potential loss of significant heritage attributes or features, and alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance. The HIA included a commemorative plan prepared by Stantec (July 2020) which proposed mitigative measures to address the above-mentioned impacts. What is being termed a ‘commemorative monument’ is being proposed, which uses salvaged material such as exterior brick, masonry work and heritage features (i.e. brackets, cornices) in the construction of new facades at the location of 93-95 Dufferin Avenue. The intention would be that the monument would reflect a range of significant heritage attributes of the double house including its form, scale, and style of the northerly and westerly facades. Further, an interpretation plan is also proposed (as part of the commemoration plan) so that the new facades at 93-95 Dufferin Avenue can be better understood by the public. This may include a series of interpretive plaques.

Finally, the HIA notes that further details are required regarding the commemoration strategy as well as the documentation, monitoring, salvage and reassembling of original heritage components (pre-, during and post-demolition). Without having certainty that the demolition application will be approved, conclusions of the HIA recommended that these items be deferred pending the outcome of the application, and be made a condition of the demolition request.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The demolition of heritage designated properties runs contrary to the very efforts put into conserving these resources. This is particularly true regarding 93-95 Dufferin Avenue which represents a highly significant heritage resource with an extensive list of heritage values and attributes identified. There are several considerations that lend support for the continued retention and conservation of this resource.

Firstly, demolition of 93-95 Dufferin Avenue is contrary to the provincial direction set by the *PPS-2020* in Sections 2.6.1 and 2.6.3 that “[s]ignificant built heritage resources and significant cultural heritage landscapes shall be conserved” and that “[...] heritage attributes of the protected heritage property will be conserved”. The significance of the buildings at 93-95 Dufferin Avenue is confirmed by its very designation in 2017. Demolition is also inconsistent with policies of *The London Plan* that support the conservation and retention of significant cultural heritage resources” (554_). Most notably, “[w]here 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*” (587_).

Secondly, the property continues to demonstrate significant cultural heritage value. Although the buildings show signs of aging and deterioration – evident in weathering and mortar loss and deterioration of the perimeter bricks of the foundation – this has not compromised the heritage value and integrity of the overall building form and scale of the double house, and rhythm and patterning of the north façade and west elevation.

Many of the original built elements listed in the designating by-law – that reflect the Italianate and Classical styling of the buildings – remain in visibly sound condition. [Appendix B].

Further, condition of a building is not sufficient to warrant the demolition of a heritage designated property, particularly when repairs to masonry and mortar are common.

“A property may be in an altered or deteriorated condition, but this may not be affecting its cultural heritage value or interest.” (OMC, Heritage property evaluation, p13)

The deterioration identified in the Building Masonry Assessment does not represent wholesale structural failure, nor does it compromise the reasons for designation. The recommendation for dismantling and rebuilding new facades utilizing salvaged material, was the opinion of an engineer and may not have taken into consideration the heritage significance of the building. There are many examples in Toronto and Montreal where heritage buildings are conserved in-situ, in their entirety, within large-scale, new developments. Although the retention of facades alone is not encouraged in *The London Plan* (Section 568_), examples here in London – such as the integration of the original limestone facade of Kingsmill’s (130 Dundas St) with new development – have been successful in marrying the old with the new. Drawings circulated in advance of gaining heritage alteration permit approval for retention of the very buildings at 93-95 Dufferin Avenue, have already indicated the likelihood to be able to reinforce and retain the north and west facades in a similar fashion.

Demolition of 93-95 Dufferin Avenue will also contribute to the continual loss of significant heritage buildings designed by Samuel Peters. The *Biographical Index of Architects in Canada 1800-1850* notes Peters as an “early and important architect in western Ontario, credited with nearly 100 designs for commercial, residential, ecclesiastical and institutional building throughout London and southwestern Ontario.” The designating By-law (No. L.S.P.-3469-18) for 93-95 Dufferin Avenue contains an extensive description of his historical significance:

Samuel Peters was a Surveyor, Architect, and Engineer. He was appointed as Town Engineer in 1852, became the first City Engineer in 1855. Samuel Peter is responsible for surveying the first City of London map in 1855. He is a noted architect in London having designed several prominent buildings, including Grosvenor Lodge (1853), first Covent Garden Market building (1853-1854, now demolished), and the Edge Block (1875, southeast corner of Richmond Street and Dundas Street). He oversaw the construction of the city sewer system, surveyed and designed the Mount Pleasant Cemetery, and other undertakings in the rapidly growing City of London. Samuel Peters and his family lived at 93 Dufferin Avenue from its construction in 1868 until immediately prior to his death in 1882. Samuel Peters decision to settle in Talbot North reflects the status he had achieved in London.

Over half of Samuel Peters’ known works were completed in London, with now nearly three-quarters of designated buildings in London – attributed to Samuel Peters – having been demolished (Gonyou w/Huten, Working list).

Finally, demolition does not support previous commitments and confirm public expectations secured through an approved bonus zone that conserved the properties at 93-95 Dufferin Avenue (By-law No.Z.1-1625-18). Bonusing was granted subject to conditions set out by the City, and commitments made by the then property-owner; these included the “complete retention, in situ, of 93-95 Dufferin until such time as partial removal is necessary to facilitate Phase 3 of the proposed redevelopment” and the “incorporation of significant heritage attributes of the original building, including the northern and western facades, in situ, into the overall design of Phase 3 of the new development.” (2016, Sept 6, Report to PEC). With demolition of 93-95 Dufferin Avenue, there is potential for a loss of confidence by the public in the planning process, and in the City’s commitment to conservation of its heritage resources.

Conclusion

Our cultural heritage resources are non-renewable. Once demolished, they are gone forever. Decisions to approve demolition are irreversible. It is recommended by staff that

the request to demolish the buildings at 93-95 Dufferin Avenue be refused based on the reasons previously outlined.

- Demolition of heritage designated properties is contrary to provincial direction (PPS-2020) and inconsistent with policies of *The London Plan*.
- The property continues to demonstrate significant cultural heritage value.
- The condition of the building does not sufficiently warrant the demolition of this heritage designated property; aging and deterioration of masonry and mortar has not resulted in the loss of heritage integrity of the buildings as a whole form, or the integrity individual heritage attributes.
- Demolition of 93-95 Dufferin Avenue will contribute to the continual loss of significant heritage buildings designed by Samuel Peters.
- Demolition does not support previous commitments and confirm public expectations through an approved bonus zone that conserved the properties at 93-95 Dufferin Avenue.

Moving forward, it important to consider what could be lost with the possible demolition of 93-95 Dufferin Avenue, but more importantly, what could be gained with its retention. There is great potential to create a unique development by integrating the existing northern and western façades of 93-95 Dufferin Avenue, in situ, that would enhance the proposed development; this should be viewed as an opportunity for design excellence.

Based on the above, the request to demolish 93-95 Dufferin Avenue should be refused.

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Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P.Eng.
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February 19, 2021
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Appendices

Appendix A Maps
Appendix B Images
Appendix C Heritage Designating By-law (93-95 Dufferin Avenue)
Appendix D Reasons for Designation – Heritage Attributes
Appendix E Heritage Impact Assessment (Zelinka Priamo and Stantec, 2021)

Sources

Architectural Conservancy of Ontario, London Region Branch. (2010, Jun 6). *Eldon House excursion*. London, ON: Author.

Architectural Conservancy of Ontario, London Region Branch. (1988, Jun 5). *Talbot tour II, geranium walk XV*. London, ON: Author.

City of London. By-law No. L.S.P. -3469-18. A by-law to designate 93-95 Dufferin Avenue to be of cultural heritage value or interest. London, ON: Author.

City of London. By-law No. Z.1-1625-18. A by-law to amend By-law No. Z.-1 to rezone an area of land located at 100 Fullarton Street, 475-501 Talbot Street & 93-95 Dufferin Avenue.

City of London and Letourneau Heritage Consulting Inc. (2019). *Heritage places 2.0: Potential heritage conservation districts in the City of London*. London, ON: Corporation of the City of London.

Corporation of the City of London. n.d. Property files: 93-95 Dufferin Avenue.

Corporation of the City of London. (2016, consolidated 2019, Nov 13). *The London plan*. London, ON: Author.

Gonyou, K. under the direction Janet Hunten. (2021, January 27; rev 2021, Jan 28). "Working list of buildings attributed to Samuel Peters" (prepared from the entry for Samuel Peters in the Biographical Dictionary of Architects in Canada (<http://dictionaryofarchitectsincanada.org/node/1391>)).

Jablonsky AST and Partners. "Heritage Façade at 93-95 Dufferin Avenue," in Zelinka Priamo Ltd. and Stantec (2011, January 11). *Heritage impact assessment, demolition request – 93-95 Dufferin Avenue (100 Fullarton Street)*. Old Oak Properties.

Ontario Heritage Act, (2019, c. 9, Sched. 11). Retrieved from e-Laws website <https://www.ontario.ca/laws/statute/90o18>

Ontario Ministry of Culture. (2006). *Designating heritage properties: A guide to municipal designation of individual properties under the Ontario Heritage Act*. Ontario: Queen's Printer for Ontario.

Ontario Ministry of Culture. (2006). *Heritage property evaluation: A guide to listing, researching and evaluating cultural heritage property in Ontario communities*. Ontario: Queen's Printer for Ontario.

Ministry of Municipal Affairs and Housing. (2020). *Provincial policy statement, 2020*. Ontario: Queen's Printer for Ontario.

Stantec Consulting Inc. (2020, April 28). Drawings: 5th submission documents issued for SPA17-035, 556 Wellington Street, London, ON: Architect.

Stantec Consulting Inc. (2016, January 4). *Heritage overview report – 93/95 Dufferin Avenue and 479-489 Talbot Street, City of London, Ontario*. Rygar Properties Inc.

Stantec Consulting Inc. "Memo – Commemorative plan for 93-95 Dufferin Avenue," in Zelinka Priamo Ltd. and Stantec (2021, January 11). *Heritage impact assessment, demolition request – 93-95 Dufferin Avenue (100 Fullarton Street)*. Old Oak Properties.

Timmins Martelle Heritage Consultants Inc. (2020, October). *Cultural Heritage Inventory, North Talbot, London, Ontario*. London, ON: Author.

Zelinka Priamo Ltd. and Stantec (2021, January 11). *Heritage impact assessment, demolition request – 93-95 Dufferin Avenue (100 Fullarton Street)*. Old Oak Properties.

Appendix A – Subject Property

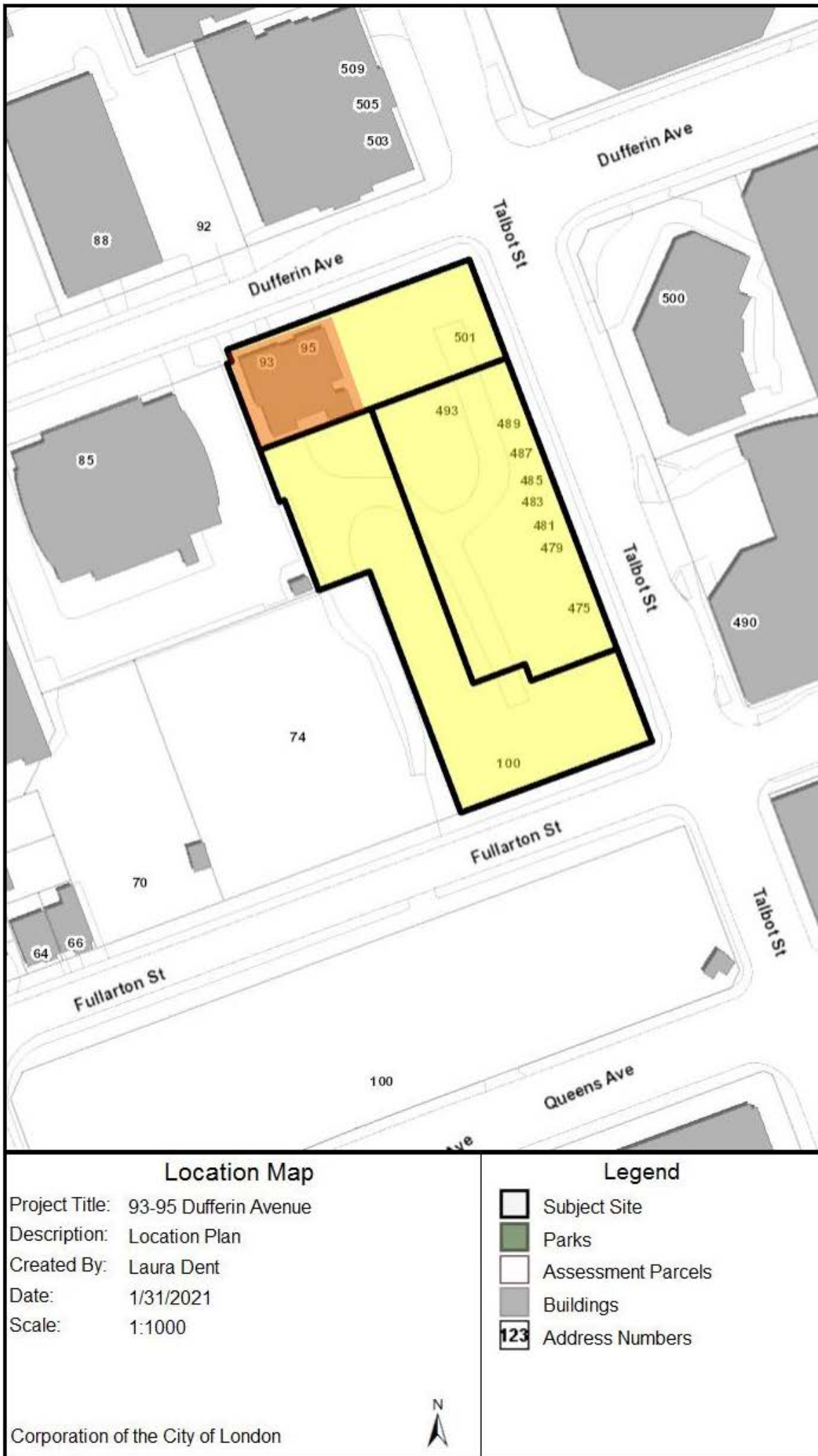


Figure 1: Location Map identifying the subject property at 93-95 Dufferin Avenue

Appendix B – Images



Image 1: Façade of 93-95 Dufferin Avenue, facing north (photo, K. Gonyou)



Image 2: Side elevation of 93 Dufferin Avenue, facing west (photo, Gonyou)

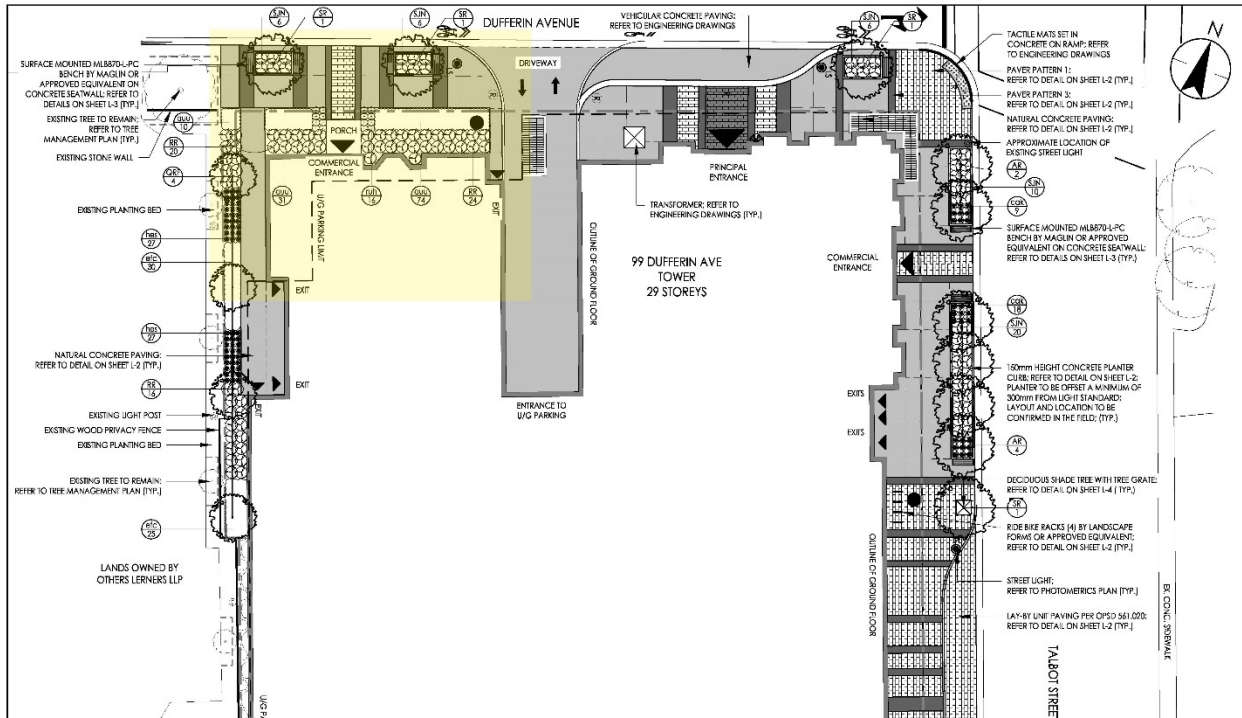


Image 3: Landscape plan with 93-95 Dufferin Avenue interface with new development highlighted (SPA17-035 submission, April 28, 2020)



Image 4: Conceptual rendering of interface between 93-95 Dufferin Avenue and new development (Z-8617 zoning by-law amendment drawings from Heritage Overview Report, January 4, 2016)

Appendix C – Designating By-law for 93-95 Dufferin Avenue

Appendix D – Reasons for Designation — Heritage Attributes

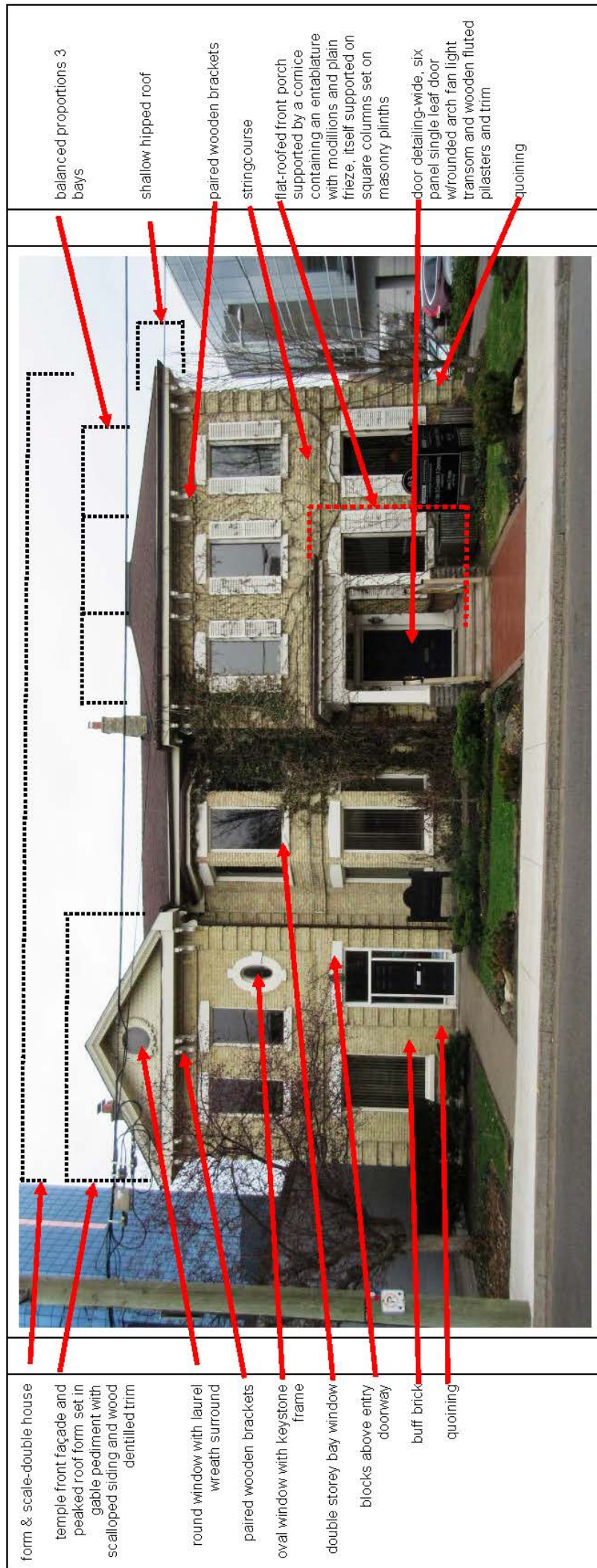


Figure 2: North Façade, 93-95 Dufferin Avenue



Figure 3: North Façade Details, 95 Dufferin Avenue



Figure 4: West Façade, 93 Dufferin Avenue

Appendix E – Heritage Impact Assessment

Zelinka Priamo Ltd. and Stantec (2011, January 11). *Heritage impact assessment, demolition request – 93-95 Dufferin Avenue (100 Fullarton Street)*. Old Oak Properties.

Bill No. 19
2018

By-law No. L.S.P.-3469-18

A by-law to designate 93-95 Dufferin Avenue to be
of cultural heritage value or interest.

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 cultural heritage value or interest;

AND WHEREAS notice of intention to so designate the property known as 93-95 Dufferin Avenue has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 93-95 Dufferin Avenue, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached 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 Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on December 12, 2017.



Matt Brown
Mayor



Catharine Saunders
City Clerk

First Reading – December 12, 2017
Second Reading – December 12, 2017
Third Reading – December 12, 2017

SCHEDULE "A"
To By-law No. L.S.P.- 3469-18

Legal Description

1STLY: PT LTS 3 & 4 S DUFFERIN AV FORMERLY S MAPLE ST PLAN 61(W), PT 1 33R3977;
2NDLY: PT LT 4 S DUFFERIN AV FORMERLY S MAPLE ST PLAN 61(W), PT 1 33R7012;
EXCEPT PT 1 33R7443; T/W 766407;LT 4 S DUFFERIN AV FORMERLY MAPLE ST PLAN
61(W) EXCEPT 594716, 766407, 832209, 802592, 485019, 662276 & 646116; S/T 832209,
766407, 646116, 802592, 485019 & 662276;PT LTS 4 & 5 S DUFFERIN ST FORMERLY S
MAPLE ST PLAN 61(W) AS IN 646116; T/W 646116;PT LTS 4 & 5S DUFFERIN ST FORMERLY
MAPLE ST PLAN 61(W), PT 1 33R2843; T/W 802592;PT LTS 4 & 5 S DUFFERIN ST
FORMERLY MAPLE ST PLAN 61(W) AS IN 485019; T/W 485019 IF ANY;PT LTS 4 & 5 S
DUFFERIN ST FORMERLY MAPLE ST & PT LTS 4 & 5 N FULLARTON ST PLAN 61(W), PT 1
33R5367; T/W 662276 IF ANY;PT LTS 4 & 5 N FULLARTON ST PLAN 61(W) AS IN 683997 PT
LTS 4 & 5 N FULLARTON ST PLAN 61(W) & PT LT 4 S DUFFERIN AV FORMERLY MAPLE ST
PLAN 61(W), PT 1 33R7443 & AS IN 832209; T/W 832209;"DESCRIPTION IN 832209 MAY NOT
BE ACCEPTABLE IN FUTURE RE: LOCATION OF T/W ROW";PT LTS 4 & 5 N FULLARTON ST
PLAN 61(W) AS IN EC13526; EXCEPT PT 1 33R5367; S/T 662276 & 485019 ;PT LT 3 SOUTH
SIDE OF DUFFERIN AVE., PLAN 61(W) DESIGNATED AS PT 7 PL 33R-15874, (DESCRIPITON
AMENDED TO ADD PLAN 61(W) 2015/01/26 - PKF);; CITY OF LONDON

SCHEDULE "B"
To By-law No. L.S.P.- 3469-18

Roll Number

93-95 Dufferin Avenue: 010030049000000

Description of Property

93-95 Dufferin Avenue is located on the south side of Dufferin Avenue (formerly Maple Street/Hitchcock Street) between Talbot Street and Ridout Street in London, Ontario. The double house located on the property was primarily constructed in two phases, but maintains cohesion across its two parts. The first, 93 Dufferin Avenue, was constructed circa 1864, as the home of Samuel Peters. 95 Dufferin Avenue was added in 1894.

Statement of Cultural Heritage Value or Interest

93-95 Dufferin Avenue 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

The physical or design value of 93-95 Dufferin Avenue is derived from the particular stylistic evolution seen across its façade.

Believed to have been designed by Samuel Peters of S. Peters and Sons in circa 1864, 93 Dufferin Avenue demonstrates the Italianate style in its shallow hipped roof, paired eave brackets, and balanced horizontal proportions, as well as robust lugsills and lintels with a gentle peak. Brickwork detailing, including quoining, the plain frieze, and stringcourse, complement the appearance. The wide, single leaf entry door in the east bay of the lower storey features a rounded arch fan light articulated by wooden fluted pilasters and trim detail. A flat roof porch supported by square columns on plinths covers the doorway. A double-storey bay window is located between 93 and 95 Dufferin Avenue, acting as a bridge between the two units.

Added in 1894, 95 Dufferin Avenue replicates many of the architectural details of 93 Dufferin Avenue however it takes a stronger Classical Revival influence, particularly in its temple front form. Additional Classical Revival elements include the oval window with a robust architrave, keystone and blocks located above the entry doorway, as well as the round window set in the pediment that is surrounded by a laurel wreath. Brickwork detailing, window sills and lintels with a gentle peak, as well as paired brackets are maintained from 93 Dufferin Avenue.

Historical/Associative Values

93-95 Dufferin Avenue has several significant historical associations. Firstly, it is believed to have been designed by London architect/surveyor/engineer Samuel Peters (1822-1882). Samuel Peters was a Surveyor, Architect, and Engineer. He was appointed as Town Engineer in 1852, and became the first City Engineer in 1855. Samuel Peter is responsible for surveying the first City of London map in 1855. He is a noted architect in London having designed several prominent buildings, including Grosvenor Lodge (1853), first Covent Garden Market building (1853-1854, now demolished), and the Edge Block (1875, southeast corner of Richmond Street and Dundas Street). He oversaw the construction of the city sewer system, surveyed and designed the Mount Pleasant Cemetery, and other undertakings in the rapidly growing City of London. Samuel Peters

and his family lived at 93 Dufferin Avenue from its construction in 1868 until immediately prior to his death in 1882. Samuel Peters decision to settle in Talbot North reflects the status he had achieved in London.

Secondly, Colonel John Walker (1832-1889) lived at 93 Dufferin Avenue, then known as "Shirra." Colonel Walker was a Scottish-born industrialist and London's Liberal Member of Parliament in the Canadian House of Commons in 1874. He was also a Vice-President of Canadian Pacific Railway, a director of the Mutual Oil Refining Company, and the Middlesex County Registrar. Mrs Laura (Hespler) Walker, his wife, was the wealthy heiress of Jacob Hespler of Waterloo County. Mrs Laura Walker purchased 93 Dufferin Avenue in 1881 and sold it in 1891.

Contextual Values

The historical and contextual values of 93-95 Dufferin Avenue are rooted in its location in London and the Londoners who chose to live there. 93-95 Dufferin Avenue contributes to the history of the Talbot North area. Residential and industrial uses were mixed throughout the area north of the City of London proper until the mid-1860s when the area began to transition to a primarily residential area. It quickly became London's first suburb. Many of the buildings that date from this period of early suburban development are constructed of the characteristic London buff brick, including 93-95 Dufferin Avenue. The form and style of 93-95 Dufferin Avenue reflect the social status afforded to individuals who chose to settle in this area in the later-half of the nineteenth century.

Heritage Attributes

Heritage attributes which support and contribute to the cultural heritage value or interest of 93-95 Dufferin Avenue include:

- Form and scale of a significant portion of the double house, including the northerly and westerly facades;
- Buff brick;
- Demonstration of the Italianate style in 93 Dufferin Avenue: shallow hipped roof; paired wooden eave brackets; balanced proportions of street-face façade in three bays in the upper and lower storey; window and door openings, including robust lugsills and lintels with a gentle peak; wide, six panel single leaf door with rounded arch fan light transom above, and framed with wooden fluted pilasters and trim; a flat-roofed front porch supported by a cornice containing an entablature with modillions and plain frieze, itself supported on square columns set on masonry plinths; brickwork detailing on street-facing and westerly facades including quoining, a plain frieze, and stringcourse; window openings with robust lugsills and capped with vertical-laid brick flat-arches on original building westerly façade;
- Double storey bay window, acting as a bridge between 93 and 95 Dufferin Avenue;
- Demonstration of the Classical Revival style in 95 Dufferin Avenue: temple front façade and peaked roof form; round window with laurel wreath surround, set in gable pediment with scalloped siding and wood dentilled trim; oval window with keystone frame; paired wooden eave brackets; brickwork detailing, including quoining, a plain frieze, and stringcourse; window sills and lintels with a gentle peak; blocks above entry doorway; and
- Historical associations with Samuel Peters, Colonel John Walker and Mrs. Laura (Hespler) Walker.