

## Report to London Advisory Committee on Heritage

**To:** Chair and Members  
London Advisory Committee on Heritage

**From:** George Kotsifas, Deputy City Manager, Planning and Economic Development

**Subject:** Demolition Request for Heritage Designated Property at 50 King Street, Downtown Heritage Conservation District, by 50 King Street London Limited

**Date:** Wednesday December 8, 2021

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development with the advice of the Heritage Planner, the demolition request for the heritage designated property at 50 King Street, located in the Downtown Heritage Conservation District, **BE PERMITTED** pursuant to Section 42(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) Prior to any demolition, photographic documentations and measured drawings of the existing building at 50 King Street be completed by the property owner and submitted to the satisfaction of the Director of Planning and Development.
- b) Prior to any demolition, a demolition plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development demonstrating how the heritage attributes of adjacent cultural heritage resources are conserved, mitigating any potential direct or indirect adverse impacts, and implementing the recommendations of the Cultural Heritage Impact Assessment submitted as part of the demolition request, it being noted that should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required.
- c) Prior to any demolition, a landscape plan shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development identifying work required to create a grass lawn on the property as an interim condition until any future redevelopment. No additional commercial and/or accessory parking will be permitted on the property as an interim use prior to the redevelopment of the property. The landscape plan should identify the cost of the work for the purpose of calculating a landscape security.
- d) A security for landscape be taken to ensure condition c) is implemented within an appropriate timeframe.
- e) Prior to demolition, the plaques commemorating the opening of the Middlesex Municipal Building in 1959 and 50 King Street in 1986 be salvaged by the property owner.
- f) Efforts to commemorate the Middlesex Municipal Building and the Court House Block be addressed through any future Heritage Impact Assessment required for the site and integrated into any landscape plans for the broader site.

It being noted that a separate Heritage Impact Assessment will be required as part of a future planning application for the property and Heritage Alteration Permit approval will be required before the issuance of a Building Permit.

## Executive Summary

The former Middlesex Municipal Building, at 50 King Street, in the Downtown Heritage Conservation District, is a C-rated, Non-Heritage resource as identified in the *Downtown Heritage Conservation District Plan*. Demolition is discouraged by the policies of the *Downtown Heritage Conservation District Plan*. In keeping with appropriate City policies, demolition may be considered, however demolition is a final and irreversible act.

Given the ranking and assignment of the property at 50 King Street by the *Downtown Heritage Conservation District Plan*, the demolition should be permitted with terms and conditions. These terms and conditions serve to document the existing building prior to its demolition, salvage key artifacts, ensure that its demolition does not adversely affect any other cultural heritage resources, and provide direction on the interim use of the property prior to its redevelopment.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
  - Continuing to conserve London’s heritage properties and archaeological resources.

## Analysis

### 1.0 Background Information

#### 1.1 Location

The property at 50 King Street is located on the northwest corner of King Street at Ridout Street North (Appendix A).

The property at 50 King Street is located within the “Court House Block,” bounded by Dundas Street, Ridout Street North, King Street, and the former road allowance of Thames Street/foot of the gaol walls.

The property at 50 King Street was severed from the remainder of the property on the Court House Block, known municipally as 399 Ridout Street North, in 2014 (B.012/14). The current property boundaries for the subject property at 50 King Street are shown in Appendix A.

#### 1.2 Cultural Heritage Status

The property at 50 King Street is designated pursuant to Part V of the *Ontario Heritage Act*, by By-law No. L.S.P.-3419-124, as part of the Downtown Heritage Conservation District. The Downtown Heritage Conservation District came into force and effect on June 27, 2013.

The property at 50 King Street is identified as a Priority C-property by the *Downtown Heritage Conservation District Plan* with a Non-Heritage identification and a Civic/Institutional streetscape classification (Appendix B).

Both the subject property at 50 King Street and any adjacent properties are “protected heritage properties” per the definition of the *Provincial Policy Statement (2020)*.

##### 1.2.1 Adjacent Cultural Heritage Resources

As the property at 50 King Street is located within the Downtown Heritage Conservation District, it is surrounded by cultural heritage resources in all directions.

To the north and west of the subject property is the remainder of the Court House Block, including the Old Court House and Gaol known as 399 Ridout Street North. The Court House is a National Historic Site of Canada, recognized by the Historic Sites and Monuments Board of Canada.<sup>a</sup> The Ontario Heritage Trust holds a Heritage Easement Agreement on the Court House, as was required to access Provincial grants for the restoration of the Court House in 1977-1981. Additionally, the Court House and the Gaol are each individually designated pursuant to Section 29 (Part IV) of the *Ontario*

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<sup>a</sup> The plaque and boulder commemorating the Court House as a National Historic Site of Canada has been removed and stored by Parks Canada in advance of the construction on Ridout Street North for the City’s Downtown Loop Phase 2 project for Rapid Transit. Parks Canada will return the plaque and boulder to the Court House following construction to be installed in an appropriate location.

*Heritage Act*, as well as its designation as a landmark within the Downtown Heritage Conservation District. Burials are known/suspect on the Gaol yards.

To the south, across King Street, is the former site of the Peter McGregor (sic. MacGregor) cabin/tavern which is commemorated in the former Jenkins/Sterling, now Info~Tech, building at 345-359 Ridout Street North. This heritage designated property is part of the Downtown Heritage Conservation District.

To the east, across Ridout Street North, is the parking lot of the Budweiser Gardens arena (99 Dundas Street). To the southeast, kitty corner, is the “Renaissance” high rise tower (71 King Street).

### **1.3 Property History**

The Euro-Canadian history of the Court House Block dates to the earliest part of the colonial settlement of London. Following a fire in the administrative capital of the London District, then in Vittoria inland from Lake Erie,<sup>b</sup> in November 1825, a special act was passed on January 30, 1826 to relocate the capital to a reserved tract of land overlooking the Forks of the Thames River (Corfield 1974; Tausky 1993, 28). In June 1826, Mahlon Burwell laid out the original town plot, setting aside the land at Forks for the “administration of justice” (Corfield 1974).

Colonel Thomas Talbot was appointed President of the “Commission for the Building of the Gaol and Court House, London District,” along with Mahlon Burwell, Provincial Land Surveyor, James Hamilton, later Sheriff of London District, Charles Ingersoll and John Matthews, members of the Legislative Assembly (Tausky 1993, 28). First, a wooden gaol and court house was constructed as a temporary building.<sup>c</sup> On April 9, 1827 the Commission accepted the proposal of master builder and architect John Ewart for a building which was completed in 1829 (Corfield 1974). While the style of the building was not defined in the tender call, it seems apparent that the Commission influenced the “somewhat Gothic” style of the Court House. The London District Court House was described by contemporary Anna Jameson as “the glory of the townspeople” (Tausky 1993, 28).

By the 1840s, the need for a larger jail (or gaol) facility was apparent. The original Court House, with the gaol on the ground (or lower) floor, faced the Thames River. However, the new gaol was built onto its western front entrance in 1844-1846. The gaol was originally parged like the Court House. The brick structure of the gaol was exposed during the restoration in the early 1980s.

In 1878, a large addition onto the east of the Court House was constructed resulting in the prominent tower that is recognized by Londoners today as a landmark. These renovations maintained the Gothic Revival architectural style initiated in John Ewart’s original design through the careful hand of Thomas Tracy, architect and City engineer, and County engineer Charles Holmes (Tausky 1993, 30). Similarly, a 1911 library addition was constructed onto the south façade under the supervision of Albert E. Nutter, architect, both “impressive and sympathetic” in its allusions to the Gothic features of the main building (Tausky 1993, 30).

Hangings at the Court House are documented to have occurred between 1830 and 1951. Prior to 1869, hangings occurred in the public square in front of the Court House; after 1869, hangings took place in the gallows yard. Approximately six burials are believed to have been interred within the Gaol yards, although the precise number and location is not known. During construction work on the parking lot behind the Court House in 1985, the remains of Marion “Peg Leg” Brown were uncovered.

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<sup>b</sup> The first administrative capital of the London District was established at Charlotteville (Turkey Point), established in 1800 until it was relocated inland to Vittoria in 1815.

<sup>c</sup> This building, included within the contract for John Ewart, was moved around the Court House Block. It subsequently served as London’s first grammar school. The building was subsequently demolished in 1929 for the construction of the Police Station on the Court House Block (Corfield 1974).

In 1955, the Court House was recognized as a National Historic Site of Canada by the Historic Sites and Monuments Board of Canada. A plaque, commemorating its national significance, was installed on a granite boulder on the front lawn of the Court House in 1956. In addition, plaques commemorating National Historic Persons, including Archibald McCallum, Arthur Currie, Adam Shortt, George William Ross, and Edward Blake, are installed within the Court House building.

During the 1970s, Middlesex County began to consider the future of the Court House Block as its function in the “administration of justice” had been assumed by the Province.<sup>d</sup> The Courts were relocated to the “new” Court House at 80 Dundas Street, which was completed in the Brutalist architectural style to the design of David C. Stevens and Paul M. Skinner, architects, in 1974. In *Towers of Justice* (1974), William Corfield remarks of the old Court House,

*This building gradually became inadequate as London and Middlesex County developed, and Grand Juries condemned the facilities regularly since the turn of the century, despite periodic interior improvements. However, it continued as the seat of justice until mid-1974 when a new Court House opened on the northeast corner of Dundas and Ridout, towering many stories above the castellated turrets of Ewart’s original design which remains as a historical reminder of pioneer justice and architecture which are no more. The building’s record of continuous use for its original purpose over 145 years is, in itself, a unique historical saga.*

The Gaol was closed following the opening of the Elgin-Middlesex Detention Centre (711 Exeter Road) in 1977.

A variety of proposals were presented with many variants on potential uses and designs of the Court House Block, instigating public debate and comment. In 1977, Middlesex County committed to the restoration of the Court House in a four-year project. The restoration of the Court House was supported by \$800,000 from Parks Canada, \$800,000 from the Province (through Wintario and the Ontario Heritage Foundation), and \$600,000 from Middlesex County. The restoration of the Court House was overseen by Norbert J. Schuller, architect, and John Cutler Construction (London) Ltd., contractor. Middlesex County’s administrative offices and County Council Chambers were relocated to the Court House as part of the restoration. The “Middlesex County Building” was officially named by the Council of Middlesex County and celebrated with its official opening on June 26, 1981.<sup>e</sup>

This project was followed by the restoration and renovation of the Gaol. The Gaol was converted into office spaces and meeting rooms, with one jail cell retained. During the restoration project, the gaol walls were reduced to their present extent.

On November 27, 2019, Middlesex County announced the sale of the properties at 399 Ridout Street North and 50 King Street (Court House Block) to York Developments, the current property owner.

In addition to the Court House and Gaol, other buildings were located on the Court House block as part of its function in the “administration of justice.” These buildings included:

- Temporary Court House and Gaol (timber), later the first grammar school, built in 1826 and demolished in 1929
- Mechanics’ Institute, built in 1842 but later moved to the west side of Talbot Street opposite Queens Avenue and destroyed by arson in 1888
- County Administration Building (later Surrogate Court Annex), built in 1865, expanded in 1875, and demolished in 1980
- County Registry Office, built in 1867 and demolished in about 1979

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<sup>d</sup> The original patent from the Crown on December 11, 1868, gave the Court House Block to the Corporation of the County of Middlesex with the restriction that it the land be used for the “administration of justice.” An act, the *Middlesex County Act*, was passed by the Provincial legislature in 1979 to transfer the property in fee simple to alleviate the restriction on the use of the property.

<sup>e</sup> Prior to 1849, the building was known as the London District Court House.

- Police Station, built in 1929-1930 on land leased to the City from the County and demolished in 1978, with a City Yard established prior
- City Registry Office, built in 1924 on land leased to the City from the County and demolished in about 1979
- Middlesex Municipal Building (see Section 1.4)

#### 1.4 Middlesex Municipal Building

The Middlesex Municipal Building (also referred as the Middlesex County Building and more recently the Middlesex-London Health Unit Building) was built in 1959 on the northwest corner of King Street and Ridout Street North (see images in Appendix C).

The Middlesex Municipal Building was a two-storey office building with a partial basement. It is described as having been clad in green glazed brick. The “modern office building,” as labelled by *The London Free Press*, had air conditioning and featured white and silver stairs “delicately suspended in mid-air” and a large blue wall in the lobby with a silver skeleton clock. The building featured three entrances: a westerly entrance and two along King Street (see Image 6). The building was designed by David C. Stevens, architect, and built by Quinney Construction Ltd., of Byron, at a cost of \$360,000 (*London Free Press*, 1959).

The Middlesex Municipal Building housed the administrative offices of Middlesex County, including County Council Chambers from 1959 to 1981. Additionally, the Middlesex County Library, the County health unit, and (Ontario) Ministry of Agriculture and Food were located within the building. The Middlesex Municipal Building was opened by Premier Leslie Frost on November 4, 1959. A plaque commemorating the opening of the Middlesex Municipal Building is installed inside the east foyer (see Image 16).

In the mid-1970s, Middlesex County began to consider how to reorganize its administrative functions once the new Court House and Elgin-Middlesex Detention Centre were completed. Following the restoration of the old Court House, the administrative offices and County Council Chambers were relocated. In a report, Norbert J. Schuller, architect, provided comment on the Middlesex Municipal Building, stating that the building has “no historic significance but does provide good economical office space” (*Report for the Middlesex Court House Property*, 1977, 25). By 1980, plans had been produced to enlarge the Middlesex Municipal Building to better accommodate the Middlesex-London District Health Unit (now Middlesex-London Health Unit). The alterations included plans to remove the glazed green bricks in favour of pre-cast panels that were intended to better complement the architectural character of the Court House as part of an addition project (“Middlesex Oks building expansion,” *London Free Press*, February 18, 1980). These plans were not implemented as they were subsequently deemed “not economically feasible” as determined by County Wardens.

In the following years, *The London Free Press* reported complaints from County Wardens of costs and the design. Changes were made and a more subdued building design to accommodate the Middlesex-London District Health Unit was prepared in 1985 by Norbert J. Schuller, architect, with an estimated cost of \$2,750,000 (“Health unit nears togetherness with sod-turning for expansion,” *London Free Press*, March 11, 1985; see Image 5). Construction was completed in 1986 by Patrick-Enright Construction Ltd., including the large addition and complete brick re-cladding of the old Middlesex Municipal Building. These, and later, renovations removed any remnants of the County Council Chambers from the interior of the building (see Image 15). The building at 50 King Street was opened by Premier David Peterson on May 16, 1986, with a plaque commemorating the opening installed in the main west vestibule of the building (see Image 17).

Following its renovation in 1986, the Middlesex Municipal Building is a two and three-storey building, with a flat roof. It has an irregular but generally rectangular plan, resulting in a dynamic massing, including an umbrage at the main entrance on the

westerly end of the building (see Image 13). The renovation also adapted the building in what could be identified as part of a Post-Modern expression but appears somewhat more transitional or influenced by late Brutalism in its heaviness of the masonry. Ribbon windows and long soldier courses of masonry elongate the horizontality of the façade, especially the north and west façades. The building is clad in a red-brown brick masonry laid in a stretcher bond. Masonry is also used to clad planters around the building's exterior. The building has been integrated in the landscape and pathways of the Court House Block. A terraced parking lot is located to the west of the Middlesex Municipal Building.

The Middlesex-London Health Unit remained the occupant of the former Middlesex Municipal Building until it moved into the Citi Plaza (355 Wellington Road, former Wellington Square Mall/Galleria) on March 30, 2020.

## **2.0 Discussion and Considerations**

### **2.1 Legislative and Policy Framework**

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan*.

#### **2.1.1 Provincial Policy Statement**

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (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” (Policy 2.6.1, *Provincial Policy Statement 2020*).

In addition, Policy 2.1.3 states,

*Planning authorities shall not permit development or site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Provincial Policy Statement, 2020).*

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the 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.”

#### **2.1.2 Ontario Heritage Act**

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value. This includes the designation of individual properties to be of cultural heritage value or interest pursuant to Section 29 (Part IV), *Ontario Heritage Act*, and groups of properties that together have cultural heritage value or interest pursuant to Section 42 (Part V), *Ontario Heritage Act*, as a Heritage Conservation District.

While the criteria for the designation of a Heritage Conservation District are found in Policy 576\_ of *The London Plan*, the *Ontario Heritage Act* establishes process requirements for decision making.

Section 42(1), *Ontario Heritage Act*, states,

*No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:*

1. *Alter, or permit the alteration, of any part of the property owner than the interior of any structure of building on the property.*
2. *Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. 2005, c.6 s.32(1).*

Following the receipt of a complete Heritage Alteration Permit application and within 90-days of receipt, pursuant to Section 42(4), *Ontario Heritage Act*, the municipality shall give the applicant,

- a) The Heritage Alteration Permit applied for;
- b) Notice that Municipal Council is refusing the application for the Heritage Alteration permit; or,
- c) The Heritage Alteration Permit applied for, with terms and conditions attached.

Pursuant to Section 42(4.1), *Ontario Heritage Act*, consultation with the London Advisory Committee on Heritage (LACH) is required before a decision is made by Municipal Council.

The refusal or terms and conditions on the approval of a Heritage Alteration Permit application may be appealed by the property owner to the Ontario Land Tribunal within 30-days of Municipal Council's decision.

### **2.1.3 The London Plan**

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City's unique identity and contribute to its continuing prosperity. It notes, "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."

Policies 575\_ and 576\_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area.

Applicable policies include, but are not limited to:

- Policy 565\_: *New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to conserve the heritage attributes and character of those resources and to minimize visual and physical impact on those resource. A heritage impact assessment will be required for new development, redevelopment, and all civic works and projects on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impact and explore alternative development approaches and mitigate measures to address any impact to the cultural heritage resource and its heritage attributes.*
- Policy 567\_: *In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resources 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 594\_: *Within heritage conservation district established in conformity with this chapter, the following policies shall apply:*
  1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
  2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should be complementary to the prevailing character of the area.*
  3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*
- Policy 597\_: *Where a property is located within a heritage conservation district designated by City Council, the alteration, erection, demolition, or removal of*

*buildings or structures within the district shall be subject to the provisions of Part V of the Ontario Heritage Act.*

- *Policy 598\_ : Development and site alteration on adjacent lands to a heritage conservation district may be permitted where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*
- *Policy 599\_ : Where a property is located within a heritage conservation district and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for consideration of a request for demolition or removal.*
- *Policy 600\_ : Where a property within a heritage conservation district 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 Downtown Heritage Conservation District Plan**

The cultural heritage value of the Downtown was recognized through its designation as a Heritage Conservation District, pursuant to Part V, *Ontario Heritage Act*, which came into effect in 2013. The *Downtown Heritage Conservation District Plan* provides policies and guidelines to protect, manage, and enhance the unique heritage attributes (character defining elements) and heritage character of London's Downtown.

The significance of the Court House block is acknowledged by its repeated reference in the Heritage Character Statement in Section 2.2 of the *Downtown Heritage Conservation District Plan* as representing an important period of growth and transition beginning in the 1830s and part of its architectural character and as a key public building in the "London District Court House" and administrative centre. The historic public open space of the "Court House Square" is noted, as well as the view of the Court House from Dundas Street and Ridout Street North (also noted in Section 6.2.4, Institutional and Public Realm, and Section 6.2.7, Spatial Elements – Views and Vistas, *Downtown Heritage Conservation District Plan*).

The *Downtown Heritage Conservation District Plan* contains specific policies regarding demolition. The policies of Section 4.6 of the *Downtown Heritage Conservation District Plan* state,

*The goal of a heritage conservation district is to preserve and protect the heritage assets within the short term and over the long term. Demolition of buildings within a heritage conservation district is strongly discouraged.*

The *Downtown Heritage Conservation District Plan* recognizes that there are situations where,

*...demolition may be necessary such as partial destruction due to fire or other catastrophic events, sever structural instability, and occasionally redevelopment that is in keeping with appropriate City policies.*

Principles outlined in Section 3.1 of the *Downtown Heritage Conservation District Plan* are derived from *The Venice Charter* (1964). These principles include –

*Find a viable social or economic use – buildings that are vacant or underutilized come to be perceived as undeserving of care and maintenance regardless of architectural or historic merit. City Council and staff should actively encourage and support appropriate forms of adaptive reuse when necessary to preserve heritage properties.*

Encouraging redevelopment, intensification, and acceptance of the Downtown as the cultural and social focus of the community as a social goal and objective of the *Downtown Heritage Conservation District Plan*. Policies and guidelines for new



development are found in Section 6.1.4 of the *Downtown Heritage Conservation District Plan*.

## **2.2 Demolition Request (Heritage Alteration Permit)**

On November 17, 2021, a Heritage Alteration Permit application, seeking approval to demolish the existing building on the heritage designated property at 50 King Street, was received. The demolition request alludes to a future proposed construction, however is limited to the demolition of the existing building only. A Cultural Heritage Impact Assessment was submitted as part of the Heritage Alteration Permit application (see Section 2.2.1).

Consistent with the requirements of the *Ontario Heritage Act* and the Council Policy Manual, Municipal Council must respond to the Heritage Alteration Permit application within 90-days, or the request is deemed permitted. During this 90-day period, the London Advisory Committee on Heritage (LACH) is consulted, and a public participation meeting is held at the Planning and Environment Committee (PEC).

The 90-day period for this demolition request expires on February 15, 2022.

### **2.2.1 Cultural Heritage Impact Assessment**

A Cultural Heritage Impact Assessment (CHIA) (MHBC, October 25, 2021 - revised) was submitted as part of the Heritage Alteration Permit application. The CHIA is attached as Appendix D.

The CHIA states,

*There is no significant adverse impacts identified in Section 7.0 of this report as a result of the removal of the existing building at 50 King Street which is identified as a Priority C/Non-Heritage property in the DHCD Plan (2012).*

The CHIA provides recommendations to mitigate any potential adverse impacts:

- *If the tree row along the north elevation of 50 King Street is removed as part of the demolition, it is expected they will be compensated within the proposed tree compensation strategy;*
- *That a Demolition Plan be completed by the demolition contractor in conjunction with a structural engineer (preferably a member of CAHP) identifying the tools and methods for demolition to confirm the most appropriate method of demolition with sensitivity to the adjacent protected heritage property to be required at the Demolition Permit Application stage and be reviewed by Heritage Planning Staff in conjunction with Building Staff;*
- *That entry and exit point for construction traffic be located to the west of the site; entering and existing the site should not be permitted off of Ridout Street North along the north property line;*
- *Equipment and materials should not be stored on the adjacent property;*
- *Equipment and materials should not be stored along the north property line in a manner which could cause damage to the adjacent property;*
- *Regular inspections should be conducted to ensure that dust and debris have not caused any obstructions to drainage systems of the adjacent property;*
- *Servicing systems of the adjacent property are not to be disturbed;*
- *The demolition of the building should not cause significant changes in grading on-site and/ or water table resulting in poor drainage patterns that negatively impact the adjacent property; and,*
- *The site should be secured, by means of installing perimeter fencing around the site, and monitored in the interim between the demolition of the existing building on the subject property and the new construction.*

## **3.0 Financial Impact/Considerations**

None.

## **4.0 Key Issues and Considerations**

### **4.1 Demolition**

The conservation of our cultural heritage resources is non-renewable; once they are gone or demolished, they are gone forever.

To assist in this important decision making, the policy framework of the *Downtown Heritage Conservation District Plan* has a ranking system to identify the most significant cultural heritage resources within its boundaries. Each Heritage Conservation District Plan establishes its own ranking system or identification of contributing resources, intended to relate to the cultural heritage value or heritage character of that specific Heritage Conservation District. While not wishing to create a curio-cabinet of preserved relics, careful consideration should be undertaken for any demolition request within a Heritage Conservation District as part of the value of a Heritage Conservation District is the collective value of those resources together – the sum of the whole is greater than its parts.

The subject property at 50 King Street is identified as a Priority C, Non-Heritage, Institutional/Civic landscape classification by the *Downtown Heritage Conservation District Plan*. This acknowledges that the property has contributions to the heritage character of the Downtown Heritage Conservation District. However, it acknowledges that the previous renovations or alterations to the built heritage resource are “after the critical period” and “without any discernable heritage features or attributes.” The Priority C ranking affirms the historical significance of the property, but recognizes the changes undertaken to the resource.

Demolition is discouraged by policies of Section 4.6 *Downtown Heritage Conservation District Plan*. The policy does acknowledge that demolition may be permitted, “occasionally... in keeping with appropriate City policies.” With the Priority C, Non-Heritage property at 50 King Street, demolition of the existing building may not be inappropriate.

The potential direct and indirect impacts of demolition must be considered, with any adverse impacts to the subject property, adjacent properties, and the Downtown Heritage Conservation District mitigated.

### **4.2 Documentation**

Demolition is a direct adverse impact to the existing built heritage resource on the subject property at 50 King Street. While its cultural heritage value is limited, per the ranking and classification ascribed by its designation as part of the Downtown Heritage Conservation District, the property retains historical significance as part of the Court House Block, the seat of the Council of Middlesex County from 1959 to 1981, and contributing to the administration of justice and civic life in London and Middlesex County. In time, the architectural expression of the building may be viewed differently.

For these reasons, measured drawings of the building’s exterior and high quality photographs documenting the building’s exterior should be prepared by the property owner and submitted to the satisfaction of the City prior to the building’s demolition in accordance with Policy 600\_ of *The London Plan*. The measured drawings and photographs will serve as an archival record of the existing building.

### **4.3 Salvage**

The existing building features two plaques which commemorate the building’s openings in 1959 and 1986 (see Images 16 and 17). These plaques are key artifacts in the building’s history. These plaques should be salvaged by the property owner prior to the building’s demolition.

### **4.4 Demolition Impacts**

The act of demolishing the existing building at 50 King Street will directly affect that property but could also directly and indirectly affect adjacent and nearby properties.

Immediately adjacent (contiguous, abutting) to the subject property is the Court House (399 Ridout Street North). It is a sensitive and exceedingly significant cultural heritage resource that warrants the highest degree of protection.

Further information is required to demonstrate how the demolition activities will conserve the heritage attributes of adjacent cultural heritage resources consistent with Policy 2.6.3 of the *Provincial Policy Statement* and Policy 598\_ of *The London Plan*. A demolition plan, demonstrating how adjacent properties will be conserved, shall be prepared by the property owner and submitted to the satisfaction of the Director of Planning and Development prior to the issuance of a demolition permit. Fencing, hoarding, or other barriers should be considered in the demolition plan, as well as implementing the recommendations of the CHIA submitted as part of the demolition request.

In addition, there are sensitive archaeological resources known within the area. Should an area(s) identified as requiring further archaeological assessment be included within the work area for the demolition of the existing building at 50 King Street, further archaeological assessment shall be required.

#### **4.5 Interim Property Condition**

The demolition request received on November 16, 2021 is limited to the demolition of the existing building at 50 King Street. While the CHIA alludes to a future development on the subject property, no planning application has been submitted. Therefore, it is reasonable to anticipate there will be a period of time following the demolition of the existing building prior to the construction of a future development. A vacant construction site would be inappropriate adjacent to the old Court House.

Similarly, the interim use of the property for surface parking, whether commercial or accessory, would also be inappropriate adjacent to the Court House, and should be prohibited.

To maintain the Institutional/Civic landscape character of the subject property, the open, grassed lawn should be extended into the property at 50 King Street as an interim condition that is befitting its location. Inspiration could be drawn from the “Plan of laying out the ground of Publick Square, London” (circa 1800, courtesy Western University; included as Figure 18 of the CHIA in Appendix D).

A landscape plan, demonstrating the work required to extend a grass lawn onto the property, shall be prepared by the property owner and submitted to the satisfaction of the Director, Planning and Development prior to the issuance of a demolition permit. The landscape plan will be required to be implemented within a reasonable amount of time and securities to ensure adherence to the landscape plan will be required.

#### **4.6 Future Building/Redevelopment**

The demolition of the existing building at 50 King Street anticipates its replacement in the future redevelopment of the site. With this brings the opportunity of a compatible, sensitive, and brilliantly designed emblem of civic pride befitting its location adjacent to the most historically significant location in London.

Consistent with the guidelines for development in Section 6.1.4 of the *Downtown Heritage Conservation District Plan* and policies 565\_, 598\_, and 594\_2 of *The London Plan*, any future redevelopment should:

- Respect the local history of the site and its surroundings through architecture and landscape architecture
- Should not diminish the landmark value of the Court House and Gaol, and should seek ways to enhance its landmark value
- Designed anticipating views from 360-degrees, as the site is prominent from many vantages
- Seamlessly link to its surroundings

- Minimize shadows on the Court House and Gaol, and its courtyard, and other adverse impacts
- Seize opportunities to reconnect the Downtown to the Thames River, through physical connections for pedestrians in publicly accessible open spaces as well as views and vistas to, from, and of the site
- Commemorate the historic administration of justice function of the Court House Block in the future development of the site, including the appropriate integration of the National Historic Site of Canada plaque for the Court House as well as the broader site

A separate Heritage Impact Assessment, assessing the impacts of a proposed development on site, on adjacent resources, and on the Downtown Heritage Conservation District, shall be required for a future planning application.

Heritage Alteration Permit approval, in accordance with the requirements of Section 42(1), *Ontario Heritage Act*, shall be required before a Building Permit is issued.

## Conclusion

The former Middlesex Municipal Building, at 50 King Street, in the Downtown Heritage Conservation District, is a C-rated, Non-Heritage resource as identified in the *Downtown Heritage Conservation District Plan*. Demolition is discouraged by the policies of the *Downtown Heritage Conservation District*. In keeping with appropriate City policies, demolition may be considered, however demolition is a final and irreversible act.

Given the ranking and assignment of the property at 50 King Street by the *Downtown Heritage Conservation District Plan*, the demolition should be permitted with terms and conditions. These terms and conditions serve to document the existing building prior to its demolition, salvage key artifacts, ensure that its demolition does not adversely affect any other cultural heritage resources, and provide direction on the interim use of the property prior to its redevelopment.

**Prepared by:** Kyle Gonyou, CAHP  
Heritage Planner

**Reviewed by:** Britt O'Hagan, MCIP RPP  
Manager, Community Planning, Urban Design and Heritage

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** George Kotsifas, P. Eng.  
Deputy City Manager, Planning and Economic Development

### Appendices

Appendix A Property Location

Appendix B Extract from *Downtown Heritage Conservation District Plan* – 50 King Street

Appendix C Images

Appendix D Cultural Heritage Impact Assessment (MHBC, dated October 25, 2021)

### Sources

Campbell, C. T. *Pioneer Days in London: Some Account of Men and Things in London before it became a City*. 1921.

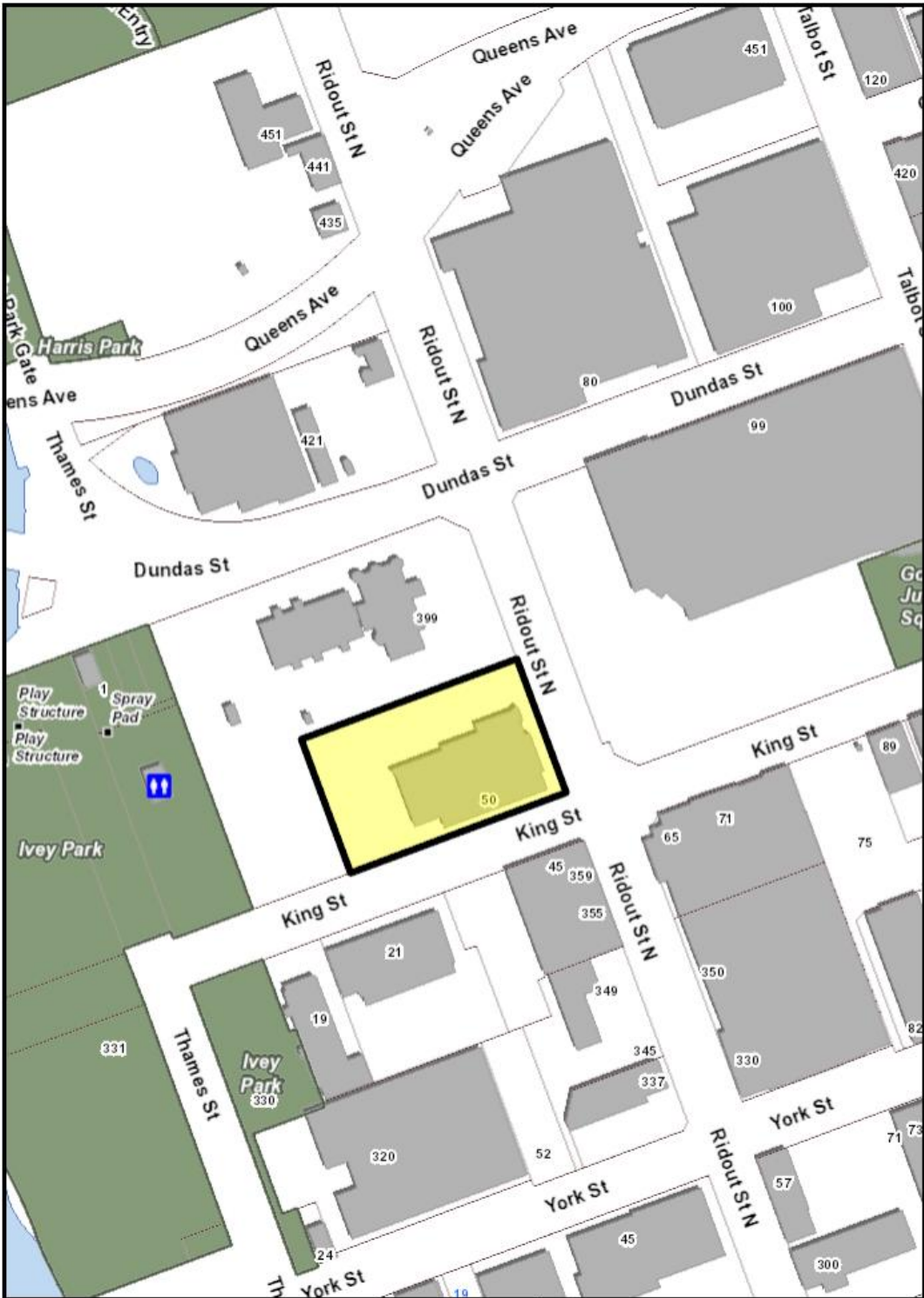
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





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Also see *Cornerstones of Order: Courthouses and Town Halls of Ontario, 1874-1914* by M. Macrae and A. Adamson (1982) and *Middlesex Two Centuries* by E. Phelps (1989).

# Appendix A – Property Location



Location Map		Legend	
Project Title:	50 King Street		Subject Site
Description:			Parks
Created By:	Kyle Gonyou		Assessment Parcels
Date:	11/22/2021		Buildings
Scale:	1:2000		Address Numbers
Corporation of the City of London			

# Appendix B – Extract from *Downtown Heritage Conservation District Plan – 50 King Street*

## Downtown London Heritage Conservation District Plan

### *How does this impact my property?*

#### THE MATRIX

All properties within the boundary of the Heritage Conservation District have been listed in the **Downtown London HCD Matrix**. The matrix identifies how each property is classified under three categories.

**ASSIGNMENT** – classification of the building by its age and/or proximity to other heritage buildings.

**RANK** – the evaluation of a building’s heritage importance and attributes classified as either a priority A, B, or C.

**LANDSCAPE** – a building or site’s relevance to the adjoining streetscape and historical land uses.

#### HOW TO USE THE MATRIX

Step 1 – check the map to see if your property is within the boundary of the Downtown London HCD. If so, identify the Quadrant number that includes your property.

Step 2 – turn to the page that lists the properties found within that Quadrant.

Step 3 – find the address for your property and scroll across the line to determine how the property was classified under the three categories.

Example:

ADDRESS	ASSIGNMENT	DESCRIPTION	RANKING	CHARACTER DEFINING ELEMENTS	LANDSCAPE
487 Richmond St.	H	Brick com. C. 1890	B	Two storey painted brick Replacement windows on left façade Wood sash in right façade Traditional store fronts Brick cornices	ii

Step 4 – Refer to the Index below to see how this affects your property.

# Downtown London Heritage Conservation District Plan

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## MATRIX INDEX

### Assignment:

**H (Historic)** – Structure built within the critical period between the 1830’s -1980’s as defined during the Downtown London HCD Study (January, 2011). The building’s architectural character is derived from a number of elements which may include: materials; window design and pattern; store fronts and upper facades; signage; and/or roof type. It may also be associated with other historical attributes such as architect, owners, use. Its importance as part of the streetscape and the District as a whole is reflected in its ranking. ***It is imperative that buildings with an H assignment are recognized as falling under the most stringent guidelines of this document based on the associated Ranking. (Section 6.1.1 – 6.1.3)***

**I (Infill)** – Structures and/or sites with no identifiable heritage characteristics but their location as part of the streetscape and/or proximity to other heritage structures deems them integral to the District. As potential redevelopment sites they are subject to the appropriate guidelines. (Section 6.1.4)

**N (Non-Heritage)** – Structures built after the critical period (c.1985) and without discernable heritage features or attributes. At the time of redevelopment they may need to have regard for the applicable infill guidelines. (Section 6.1.4)

### Ranking:

**A** – Structure assessed as currently having any combination of the following attributes: all or most of the building’s façade elements are intact; windows may be replaced but occupy original openings; store front retains tradition shape and some features such as windows or terrazzo pavement; previously designated; historical or landmark significance; noted architect; good or very good example of recognizable style; important to streetscape; good restorations.

**B** – Structure assessed as currently having any combination of the following attributes: elements have been lost or replaced; façade has been painted or covered with stucco or cladding; windows replaced but occupy original openings; period store front altered or replaced; may still have historical or landmark significance; possibly noted architect; important to streetscape.

**C** – Structure assessed as currently having any combination of the following attributes: most or all of the façade elements have been replaced; store front replaced; retains original form and massing; retains some historical significance; does not relate to streetscape; renovated using inappropriate material or designs.

**D** – Structure assessed as currently having any combination of the following attributes: some or all of the original detailing is present but has no historical or architectural significance. These buildings are not covered by the alteration guidelines other than with respect to demolition and replacement by new structures subject to the joint HCD guidelines/urban downtown design guidelines.



## Downtown London Heritage Conservation District Plan

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Use the following chart to determine the applicable Guidelines as found within the report:

	H – Historic	I –Infill	N – Non-Heritage
<b>A*</b>	All elements to be retained. (Section 6.1.1 – 6.1.3)		
<b>B*</b>	Elements should be replicated using traditional materials. (Section 6.1.1 – 6.1.5)		
<b>C</b>	Restorations should be considered using traditional materials. (Section 6.1.5)	New construction guidelines. (Section 6.1.4)	New construction guidelines. (Section 6.1.4)
<b>D</b>	Demolition/replacement subject to guidelines for new development only.	New construction guidelines. (Section 6.1.4)	New construction guidelines. (Section 6.1.4)

**\* Heritage Alteration Permit required**

Landscape:

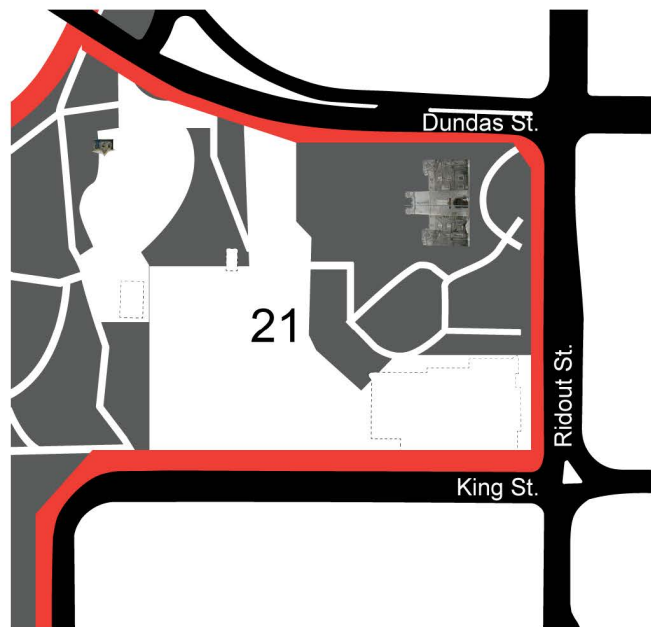
This classification will have limited impact on most property owners as it deals with the streetscapes and open spaces within the District. Primarily, it will define guidelines and considerations when embarking upon a site redevelopment and the interface with the adjacent public right-of-way. It will establish the type of streetscape that one would expect to see existing and preserved in front of their respective properties.

**i – Residential** landscape pattern defined by the plots which were originally laid out to accommodate residential and associated buildings with setbacks from the front and side lot lines, creating a landscape prominence to the street. (Section 6.2.1)

**ii – Commercial** landscape pattern defined by the development of lots built out to the front and side lot lines thereby creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level.

**iii – Industrial/Warehouse** landscape pattern defined by wider street profiles and a greater expanse between opposing structures thus emphasizing vehicular traffic over pedestrian movements.

**iv – Institutional and Public Realm** landscape is a composite of several parks, plazas, gardens, green spaces and public gathering areas that have evolved in London’s downtown over time and are important to its character.



**Quadrant 21**

ADDRESS	ASSIGNMENT	DESCRIPTION	RANKING	CHARACTER DEFINING ELEMENTS	LANDSCAPE
399 Ridout St. North	H	County Building, 1829; Enlarged 1878	A	John Ewart; refer to Designation By-law for court house and for Gaol;	iv
50 King St.	N	Health Unit	C	New façade;	iv
1 Dundas St.	H	House, c. 1880	A	Unpainted brick; original windows and front door refer to Designation By-law;	iv

## Appendix C – Images



Image 1: Aerial image from 1919, looking east towards Downtown, with the location of the subject property at 50 King Street shown in a circle. Courtesy Bishop Barker Co. Ltd., 1919.

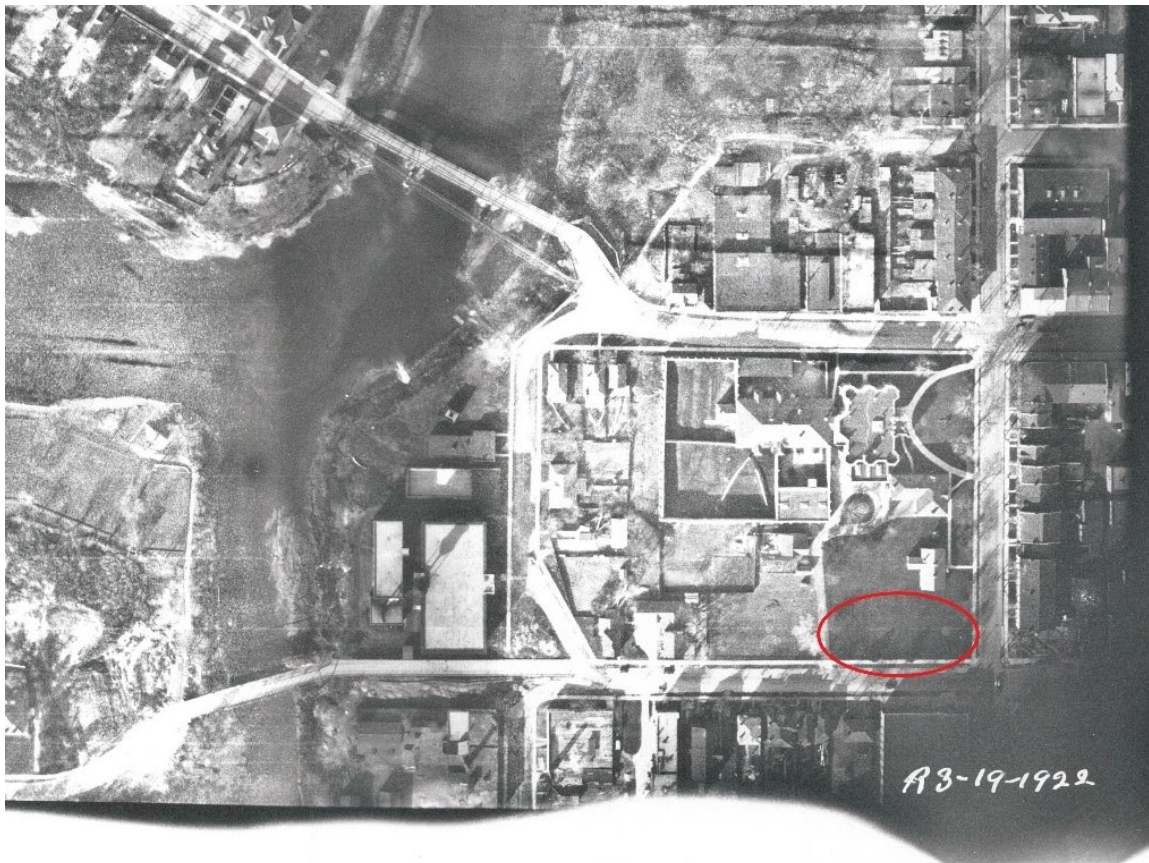


Image 2: Aerial photograph from 1922, showing the Forks of the Thames, with the subject property at 50 King Street highlighted. Note there is no building present on subject property. Line R3, Photograph 19. Courtesy Western University.



Image 3: Aerial photograph (1951-1952) showing a view looking southeast towards Downtown, with the approximate location of the subject property at 50 King Street circled. The Court House, Gaol, Middlesex County Building, County Registry Office, City Registry Office, and Police Station can be seen. Courtesy Ron Nelson Photographs, Serial No. 5, A1228, for the London and Suburban Planning Board.

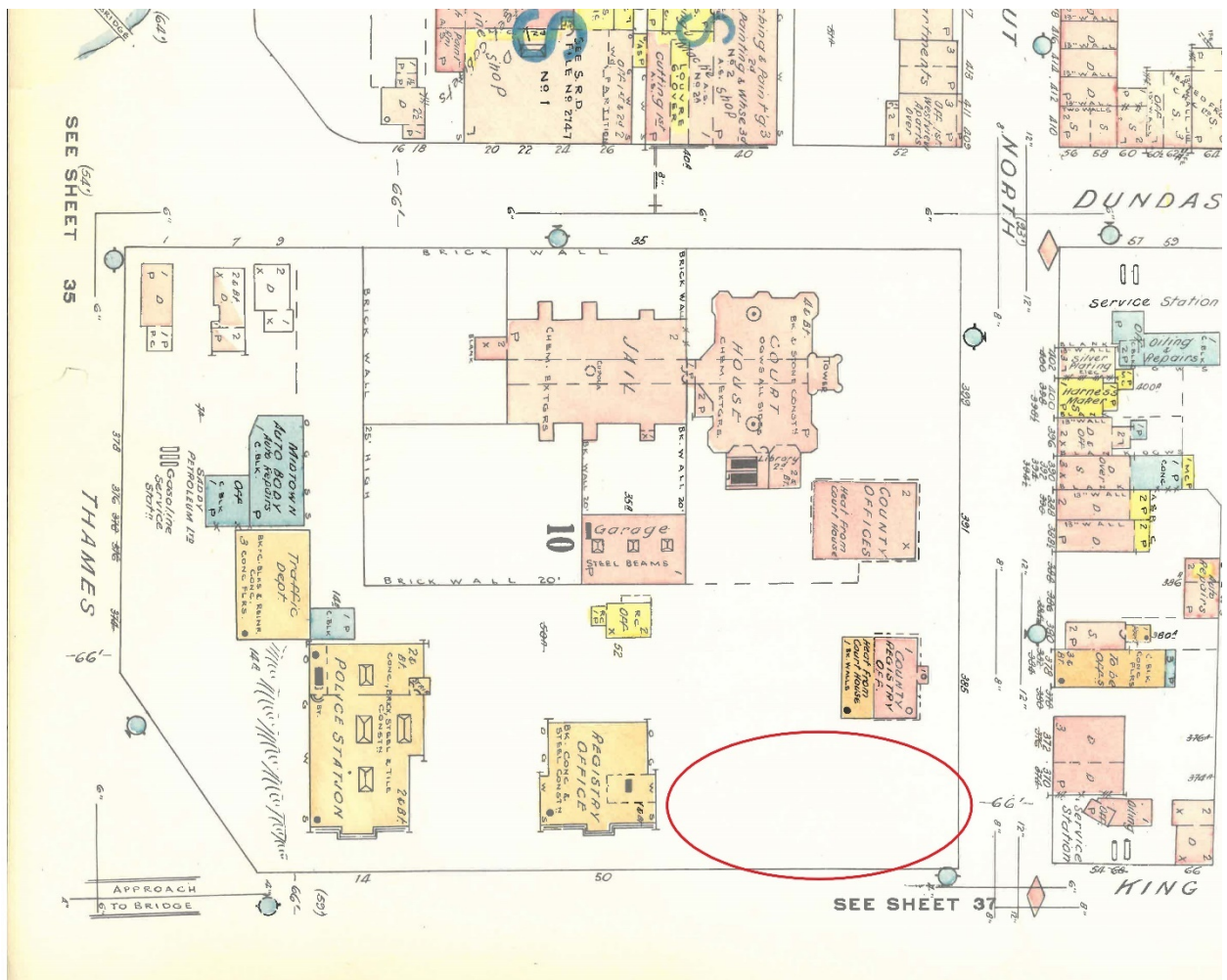
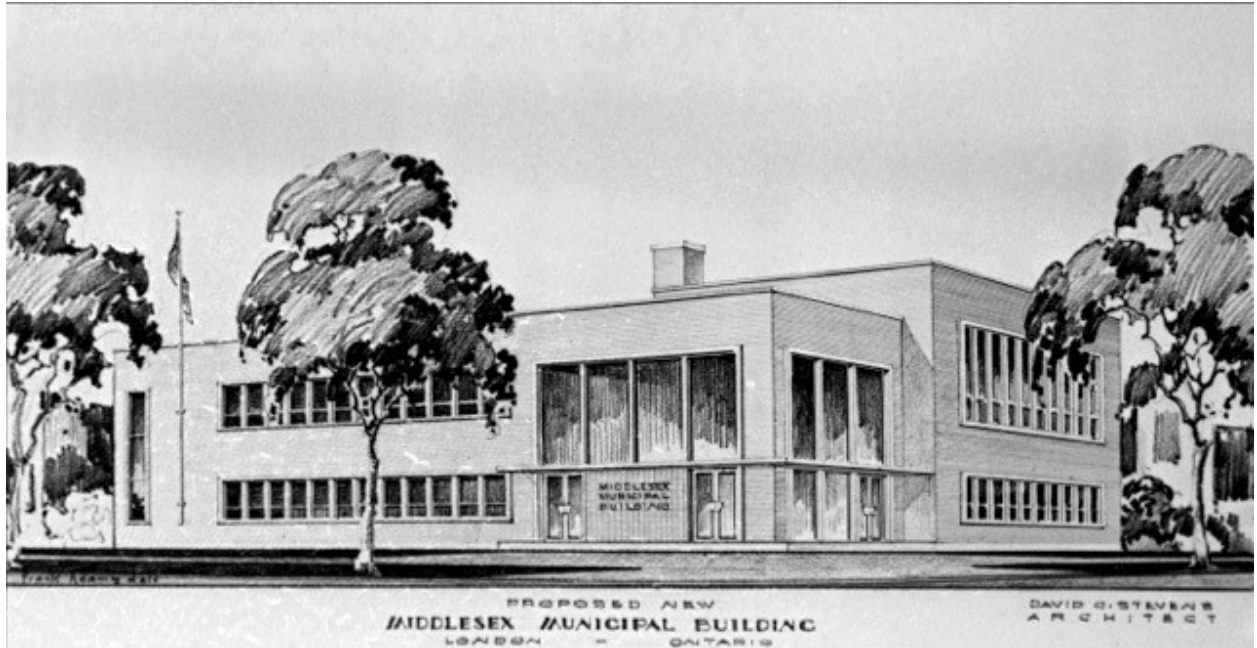


Image 4: Annotated detail, extracted from Sheet 36 of the Fire Insurance Plan (1959) showing the approximate location of the subject property at 50 King Street circled in red. Note the County Office building, County Registry office, [City] Registry office, Police Station, as well as the Court House and Gaol.



*Image 5: Architectural drawing, by David C. Stevens, architect, for the Middlesex Municipal Building. Courtesy Archives and Special Collections, Western University.*



*Image 6: View of the south and east façades of the Middlesex Municipal Building taken shortly after its construction in 1959. Courtesy Archives and Special Collections, Western University.*



*Image 7: View showing the Court House Block and the Downtown, looking northeast, in 1966. This view shows the two-storey Middlesex Municipal Building, constructed in 1959. Aerial envelope 706, courtesy Archives and Special Collections, Western University.*



*Image 8: Aerial photograph from 1978 annotated to show the building at 50 King Street (circled in red). The old Police Station has been demolished, and demolition is underway on the Penman's Factory (now Ivey Park) as well as the Exchange Building (now the lawn of Museum London at 421 Ridout Street North). The City Registry Office, the County Registry Office, and the County Building (Surrogate Court Building) are still extant at the time of the photograph in 1978.*

*Image 9: Aerial photograph showing the Court House Block, with the Court House and Gaol, and Middlesex Municipal Building in 1982. Courtesy Middlesex County Interactive Tour.*



Image 10: Aerial photograph showing the Court House Block, with the Court House and Gaol, and Middlesex Municipal Building in 1982. Courtesy Middlesex County Interactive Tour.

 A black and white line drawing sketch of a modern, multi-story building with a prominent vertical section. The building is shown from a low angle, with several people sitting on benches in the foreground. A tree is on the left, and a person is walking on the right.
 

An artist's sketch shows the \$2,750,000 expansion for the Middlesex-London district health unit, expected to be completed in February, 1986.

### Health unit nears togetherness with sod-turning for expansion

It will be another year before all the staff of the Middlesex-London district health unit will be working in one spot, but what's a year when you've already been waiting for 14?

Sod was officially turned Wednesday for the \$2,750,000 Middlesex municipal building expansion at the northwest corner of King and Ridout streets. Dr. Douglas Hutchison, medical officer of health, said employees, now about 250 them, have been separated since the unit was formed in 1971.

The health unit has been housed in three locations, on the second floor of the municipal building and on York and South streets. It has not been good management to have the staff split, Hutchison said. Some of the programs being carried on will be a surprise to some staff, he said.

Hutchison said the health unit will need temporary office space and parking for about 60 cars for eight to 10 months starting in late May or June. Finding the office space is not difficult, but many sites do not have nearby parking for the mobile staff, he said.

Hutchison, who retires this year, said he plans to attend the opening of the enlarged building, expected to be complete next February.

Architect Norbert Schuller said the exterior of the three-storey building will be a bronze-colored masonry brick. He said the old building will be clad in the same brick.

County administrator-clerk Ron Eddy said staff of the Ontario ministry of agriculture on the first floor of the building will be able to remain during construction.

Image 11: Artist's sketch of the expansion of the Middlesex Municipal Building for the Middlesex-London District Health Unit featured in The London Free Press on March 11, 1985. The sketch shows the north and west façade of the addition.



Image 12: East (Ridout Street North) elevation of the building on the subject property at 50 King Street.



Image 13: South (King Street) and west elevations of the building on the subject property at 50 King Street. The main entrance is located under the umbrage (overhang).





*Image 14: Detail of the west and north elevations of the building on the property at 50 King Street.*



*Image 15: This photograph, showing the westerly staircase/stairwell with the doors onto King Street, shows some of the few remnants of the 1959 building's details: terrazzo flooring, stacked roman bricks, and the staircase.*



Image 16: This meeting room, with its large window facing Ridout Street North, appears to have been the former Council Chambers for Middlesex County.



Image 17: Plaque, installed in the east vestibule with access off Ridout Street North, commemorating the opening of the Middlesex Municipal Building by Premier Leslie M. Frost on November 4, 1959.



Image 18: Plaque commemorating the opening of the building at 50 King Street by Premier David Peterson on May 16, 1986, installed in the main (west) vestibule.

## **Appendix D – Cultural Heritage Impact Assessment**

Cultural Heritage Impact Assessment (MHBC, dated October 25, 2021) – *attached separately*