

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Heritage Alteration Permit Application by D. Ramdihal for 870
Queens Avenue, Old East Heritage Conservation District
Date: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for painting previously unpainted brick of the heritage designated property at 870 Queens Avenue, within the Old East Heritage Conservation District, **BE REFUSED**.

It being noted that removing the paint from the brick is necessary to restore the property to its former condition.

Executive Summary

The property at 870 Queens Avenue is a C-rated property in the Old East Heritage Conservation District, meaning it contributes to the heritage character of the area. The building, built circa 1903, was constructed of unpainted buff brick. Painting previously unpainted brick is a class of alterations that requires Heritage Alteration Permit to discourage painting this heritage material.

The current property owner acquired the property at 870 Queens Avenue in May 2022. The City received complaints that the exterior of the building was being painted in July 2022. Compliance action was initiated, and the property owner directed to cease painting. The property owner, however, continued to paint the exterior of the building.

Painting has a negative impact on the physical material and diminishes the character contributions of this property to the Old East Heritage Conservation District. The paint should be removed from the buff brick, using appropriate methods, to restore the property to its former condition.

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 Property Location

The property at 870 Queens Avenue is located on the northwest corner of Queens Avenue and Ontario Street (Appendix A).

1.2 Cultural Heritage Status

The property at 870 Queens Avenue is located within the Old East Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3383-111, passed on September 10, 2006.

The property at 870 Queens Avenue is C-rated by the *Old East Heritage Conservation District Plan*. A C-ranking is assigned to a property that are “of value as part of the environment” (Section 4.2, *Old East Heritage Conservation District Study*), meaning that they contribute to the heritage character of the area.

1.3 Description

The building at 870 Queens Avenue was built in about 1903 (Appendix B). The residential form building is two-and-a-half storeys in height. The building is constructed of buff brick and is accented with stone lintels across some window and door openings. The primary (south) façade of the building faces Queens Avenue, but parking is provided off Ontario Street to the east.

The building’s massing and period of construction, accompanied by some of the building’s details in the gable and porch, suggest influences of the Queen Anne Revival architectural style which is a major architectural influence in the Old East Heritage Conservation District.

Buff brick is generally recognized as a heritage material and can be considered characteristic of the Old East Heritage Conservation District.

Prior to July 2022, the buff brick exterior masonry was unpainted (see Appendix B).

1.5 Heritage Alteration Permit Application (HAP22-053-L)

In July 2022, the City began to receive complaints from community members that the buff brick exterior of the building on the heritage designated property at 870 Queens Avenue was being painted. Site visits were undertaken by staff on July 4, July 5, July 14, and July 26, 2022.

Following protocol, a letter regarding the non-compliance was sent to the property owner on July 4, 2022. The letter instructed the property owner to cease painting immediately. This direction was repeated in email correspondence and telephone conversation. By July 26, 2022, the exterior of the entire building at 870 Queens Avenue had been painted.

Following compliance action by the City, the property owner submitted a Heritage Alteration Permit application seeking retroactive approval for painting the previously unpainted brick masonry of the building on the heritage designated property at 870 Queens Avenue.

The property owner attributed the reason to painting the previously unpainted brick masonry as mould (see Appendix C for images that were submitted as part of the Heritage Alteration Permit application).

The previously unpainted brick masonry was painted using an acrylic latex paint.

The complete Heritage Alteration Permit application was received on July 26, 2022. Per Section 42(4), *Ontario Heritage Act*, a decision to approve, approve with terms and conditions, or refuse this Heritage Alteration Permit application is required before October 24, 2022.

2.0 Discussion and Considerations

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, *The London Plan*. More specific, area-based policies and guidelines – part of the *Old East Heritage Conservation District Conservation Plan* and *Old East Heritage Conservation District Conservation & Design Guidelines* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

2.1 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).

“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.”

2.2 Ontario Heritage Act

Section 42(1) of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) 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 (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

Furthermore, Section 41.2(1) requires that Municipal Council shall not carry out any public work in a Heritage Conservation District that is contrary to the objectives set out in the applicable Heritage Conservation District Plan.

2.3 The London Plan

The London Plan is the City of London’s Official Plan. The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 61_5 of *The London Plan* states, “Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.”

Policy 594_, *The London Plan*, includes policies relevant to change management within London’s Heritage Conservation Districts:

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 complement 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.*

2.4 Old East Heritage Conservation District Conservation Plan

The Old East Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.3383-111 and came into force and effect on September 10, 2006. The *Old East Heritage Conservation District Conservation Plan* articulate a policy framework to help manage change for the nearly 1,000 properties located within its boundaries.

The goals and objections of the designation of the Old East as a Heritage Conservation District are found within Section 3.2 of the *Old East Heritage Conservation District Conservation Plan*. Two goals are particularly relevant:

- *Recognize, protect, enhance and appreciate the integrity of heritage buildings and streets in Old East and value their contributions to the interest and diversity of the community by:*
 - *Encouraging individual building owners to recognize the unique character of each building and to become more interested in the conservation and celebration of that unique character*
 - *Encouraging individual building owners to understand the broader context of heritage restoration in history, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves stewards of the building for future owners and users*
- *Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details by:*
 - *Encouraging sensitive restoration practices that make gentle, reversible changes, when necessary, to significant heritage buildings*
 - *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate building and repair activities are undertaken,*
 - *Establishing design guidelines to ensure new development or alterations are sensitive to the heritage characteristics and details of the Old East Heritage Conservation District*

Section 4.1, *Old East Heritage Conservation District Conservation Plan* (Dealing with Growth and Change – Architecture), includes important references to understand the individual contributions of properties to the heritage character of the Old East Heritage Conservation District:

- “...the intent of the designation of the heritage conservation district is to preserve an adequate stock of the heritage features that define the character of the area to preserve the cohesive nature of the district”
- “The contribution of each individual property to the overall character of the district is primarily the front façade of the building except at corners where the side façade also contributes to the street appearances.”
- “Any of the original components that face the public street(s) should be preserved as much as possible to conserve the heritage character of the street”

Policies regarding alterations, in Section 4.2, *Old East Heritage Conservation District Conservation Plan*, highlight the importance of conserving the street-facing facades, stating,

Alterations to the street-facing façade of the buildings (typically the front of the house or the front and side of the house on corner lots) have the potential to dramatically affect the appearance of not only the building itself, but the entire streetscape.

Table 7.1, in Section 7.1, *Old East Heritage Conservation District Conservation Plan*, describes the classes of alterations that do or do not require Heritage Alteration Permit approval. Heritage Alteration Permit approval is required for “painting previously unpainted brick” for A, B, and C-ranked properties.

2.5 Old East Heritage Conservation District Conservation & Design Guidelines

To support the conservation of the cultural heritage resources within its boundaries, the *Old East Heritage Conservation District Conservation & Design Guidelines* provides guidelines to help manage change.

Specifically, regarding exterior walls, masonry, and paint, guidelines are provided in Sections 3.2, 3.4, and 3.9.2 of the *Old East Heritage Conservation District Conservation & Design Guidelines*.

Section 3.2, *Old East Heritage Conservation District Conservation & Design Guidelines*, states, “the goal of heritage conservation is to preserve as much of the community fabric, both built and natural, as possible from the time of its development” and “the main focus is the retention of original street façades of the district’s period homes.”

The guidelines of Section 3.4, *Old East Heritage Conservation District Conservation & Design Guidelines*, support the maintenance of the exterior appearances of buildings. Approximately 74% of the buildings in the Old East Heritage Conservation District were clad in brick – primarily buff (yellow, white) coloured London brick or red (Milton) bricks.

Conservation and Maintenance Guidelines for masonry include (Section 3.4, *Old East Heritage Conservation District Conservation & Design Guidelines*):

- *Painting of original brick surfaces is not recommended, as it can trap moisture and cause greater deterioration of the brick*
- *Do not sandblast brick. This is likely to permanently damage the surface of the brick and accelerate any deterioration.*

Regarding paint and masonry, Section 3.9.2, *Old East Heritage Conservation District Conservation & Design Guidelines*, provides the following guidelines:

- *Paint films over large areas of brick are inclined to seal the surface, trap moisture, and cause spalling and other deterioration of the masonry*
- *The covering of this detail by painting diminishes the heritage character of the original building and introduces a maintenance responsibility for the remaining lifetime of the building*
- *The best method [to remove paint] requires an application of a chemical stripper that softens the paint and permits it to be rinsed away with water*
- Do not permit sandblasting, either wet or dry

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 How to address a mould issue on exterior masonry?

In the Heritage Alteration Permit application, the property owner stated that mould was the motivating factor for painting the previously unpainted brick exterior of the heritage designated property at 870 Queens Avenue. Photographs submitted in support of this assertion (see Appendix C) do not appear to be of the property at 870 Queens Avenue. The information submitted as part of the Heritage Alteration Permit application has not clearly demonstrated that the property at 870 Queens Avenue had a mould problem.

Mould is a fungus that lives on surfaces. Mould requires moisture to survive. Therefore, addressing potential sources of moisture would be necessary in addressing a potential mould issue. This could include removing vegetation from around a building or improving water management through eavestroughs and downspouts – none of which would require Heritage Alteration Permit approval.

If mould existed on the unpainted brick exterior of the heritage designated property at 870 Queens Avenue, painting over it would cover the mould rather than removing it.

Painting is not generally a method recommended to remove mould. In some circumstances, such as a bathroom or other high humidity space, special paints can be used to discourage mould growth. However, cleaning the surface is required to remove mould. Cleaning methods could include using low-pressure water and light detergent (sometimes diluted bleach) and a soft brush. Testing any methods and materials is essential before subjecting a historic material to cleaning.

4.2 Why is painting buff brick masonry discouraged?

Buff brick is an important heritage material, local to the London area and characterizes the Old East Heritage Conservation District. Seventy-four percent of buildings within the Old East Heritage Conservation District are brick or brick-clad, demonstrating the character contributions of this important material. The low iron clay of the area produces the buff (yellow/white) colour when fired, unlike the high iron clay of the Milton area, for example, which produces an orange-red colour when fired. Covering this important heritage material with paint diminishes its contributions to the heritage character of the area as it makes this material less apparent and visible.

Historically, some early brick buildings were painted to compensate for low-quality or irregular masonry units (Fram 2003, 126). Some low-fired clay bricks could be porous and susceptible to environmental degradation and required painting to provide a weatherproof skin; later high-fired clay brick would achieve this surface through technical improvements in brickmaking methods. Removing paint from masonry that has been painted for most or all its existence is generally discouraged.

As brickmaking methods improved over time, with more regular form and appearance achieved, the brick predominantly used during the period of development of the Old East Heritage Conservation District (1860s-1930s) does not require painting to provide a weatherproof skin. From its construction in circa 1903 until July 2022, the exterior brick masonry of the heritage designated property at 870 Queens Avenue was unpainted as painting the masonry was unnecessary.

Aesthetically, painting unpainted brick is also unnecessary. Low risk methods, such as low-pressure washing with a light detergent and soft brush, can be used should a brick building be considered “dirty.” However, the patina of a brick building, as accumulated over time, contributes to its authenticity as a cultural heritage resource.

Painting brick, if done improperly, can cause a serious risk and long-term damage to the brick and its mortar by trapping moisture. Historic masonry is particularly susceptible. The degradation caused by trapped moisture can appear invisible, as it is hidden behind a painted surface. An acrylic latex paint was used to paint the previously unpainted brick of the heritage designated property at 870 Queens Avenue, which is supposed to be a “breathable” material. However, it is not clear how or if the brick was prepared for painting; was the masonry repointed prior to painting, was the exterior properly cleaned prior to painting, was an appropriate primer used prior to painting?

As it is unnecessary to paint buff brick, painting introduces a new maintenance obligation. Most paint manufacturers recommend repainting exterior surfaces every 5-10 years. Unpainted brick does not require the same degree of maintenance; however, repointing may not be required for 50 or more years.

Painting previously unpainted brick is a class of alterations that requires Heritage Alteration Permit per the policies of Section 7.1, *Old East Heritage Conservation District Conservation Plan*. Requiring a Heritage Alteration Permit in advance of undertaking alterations enables an opportunity to positively influence alterations to help ensure that the heritage character of the Old East Heritage Conservation District is conserved, but still allows appropriate growth and change. This can also include the opportunity to discourage inappropriate alterations and encourage the maintenance and preservation of heritage materials like buff brick.

Unnecessarily painting historic masonry is discouraged by Parks Canada’s *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010), the National Parks Service (US)’s *Preservation Brief 1* (2000), and many other sources.

4.3 Can the paint be successfully removed?

As painting previously unpainted brick has a negative impact on the contributions of this property to the heritage character of the Old East Heritage Conservation District, removing the paint is necessary.

Acrylic latex paint can be removed from the brick masonry by a professional restoration company. Staff contacted four professional restoration companies for their advice on the appropriate method to remove acrylic latex paint. Unanimously, a chemical stripper accompanied by a water or steam removal was recommended. This method presents the lowest risk to the buff brick masonry but could contribute to the further need to repoint the exterior of the building (which is likely required anyways).

Blasting, such as sand or soda blasting, is exceptionally detrimental and damaging to buff brick masonry. No blasting methods should be used.

Conclusion

Painting the previously unpainted brick exterior of the heritage designated property at 870 Queens Avenue has had a negative impact on the physical heritage material and it diminishes the character contributions of this property to the Old East Heritage Conservation District. Painting has covered the buff brick, a heritage material, diminishing its visibility. Painting the previously unpainted brick exterior has failed to conserve the heritage material, as expected by the legislative and policy framework for heritage designated properties.

Painting is not an appropriate method to address a potential mould issue on historic masonry. Other methods, such as ensuring appropriate water management (e.g., downspouts) and cleaning, could have addressed a potential mould issue without compromising a heritage material.

The paint should be removed, using appropriate methods, to restore the property to its former condition. Low-risk methods exist to remove the acrylic latex exterior paint and restore the buff brick exterior.

Prepared by:	Kyle Gonyou, RPP, MCIP, CAHP Heritage Planner
Reviewed by:	Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP Manager, Urban Design, and Heritage
Recommended by:	Gregg Barrett, AICP Director, Planning and Development
Submitted by:	Scott Mathers, MPA, P. Eng. Deputy City Manager, Planning and Economic Development

- Appendix A Location
- Appendix B Images
- Appendix C Images submitted as part of the Heritage Alteration Permit application

Selected Sources
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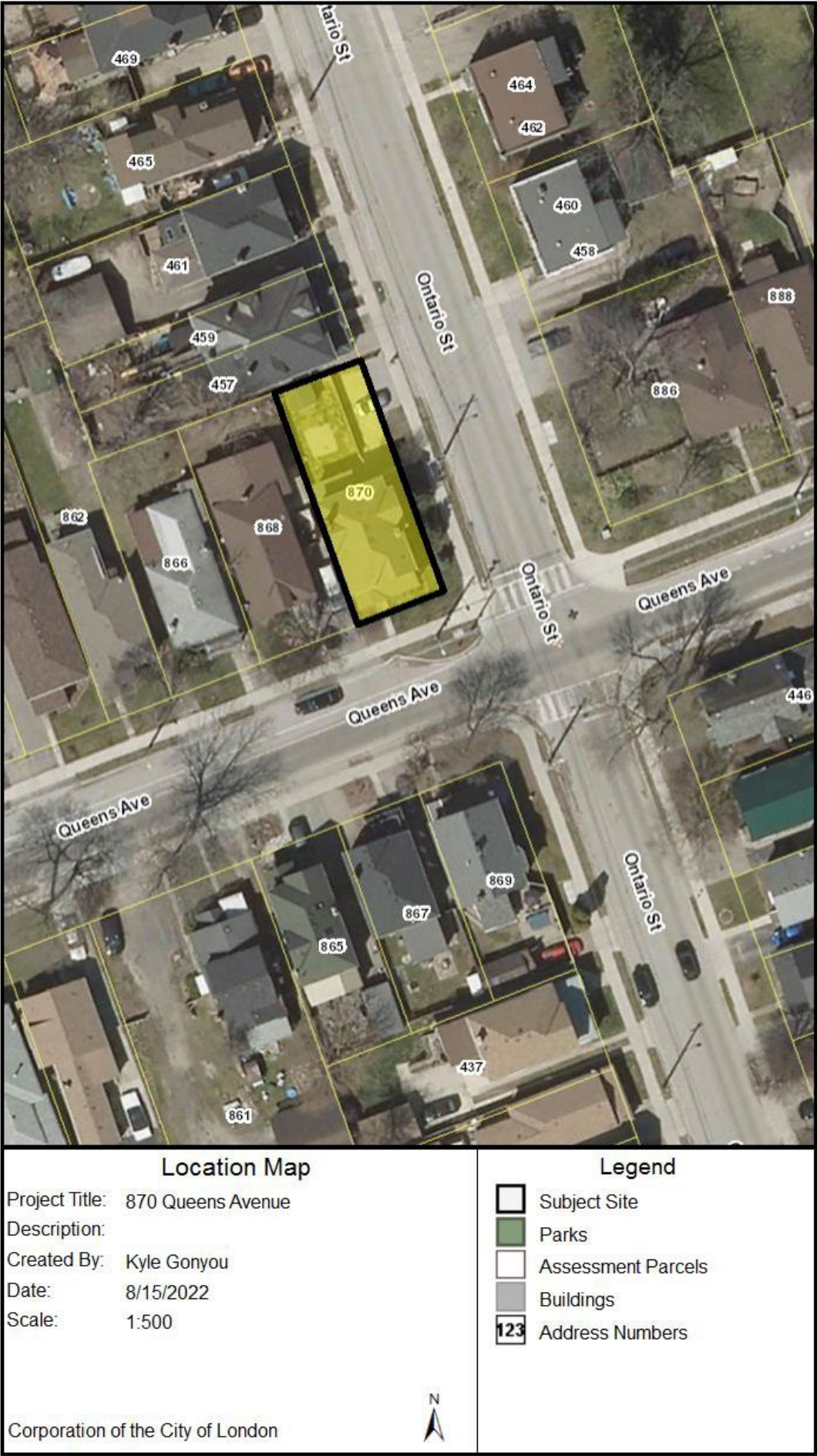
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Appendix A – Location



Appendix B – Images



Image 1: Photograph of the heritage designated property at 870 Queens Avenue on October 18, 2019. Note: none of the exterior brick or stone detailing is painted.



Image 2: Detail of the front porch, south (main) and east façades of the heritage designated property on November 1, 2019. Note: none of the exterior brick or stone detailing is painted.



Image 3: Photograph of the south (main) and part of the east façade of the heritage designated property on July 4, 2022.



Image 4: Photograph of the heritage designated property at 870 Queens Avenue on July 4, 2022, showing the exterior painting which started on the north (rear) façade.



Image 5: Photograph of the heritage designated property at 870 Queens Avenue on August 14, 2022, showing further exterior painting.



Image 6: Photograph of the heritage designated property at 870 Queens Avenue, on July 14, 2022, showing painting on the west façade.



Image 7: Photograph of the heritage designated property at 870 Queens Avenue on July 26, 2022, showing that the exterior of the building had been painted.



Image 8: Photograph of the heritage designated property on July 26, 2022, showing that the west façade of the building has been painted.

Appendix C – Images Submitted as part of Heritage Alteration Permit



Image 9: Image submitted by the property owner as part of the Heritage Alteration Permit application. The undated photograph appears to show the north (rear) façade of the heritage designated property at 870 Queens Avenue.



Image 10: Image submitted by the property owner as part of the Heritage Alteration Permit application.



Image 11: Image submitted by the property owner as part of the Heritage Alteration Permit application.



Image 12: Image submitted by the property owner as part of the Heritage Alteration Permit application.