

**Conservation Review
Board**

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CONSERVATION REVIEW BOARD

RE: THE CORPORATION OF THE CITY OF TORONTO – INTENTION TO DESIGNATE THE PROPERTY KNOWN AS 185 BETA STREET (FORMERLY 183 BETA STREET), IN THE CITY OF TORONTO, ONTARIO.

**Su Murdoch, Vice-Chair
Richard McDonald, Member**

March 29, 2008

This hearing was convened under s.29(8) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, amended to 2006 ("Act"), for the purpose of reporting to the Council of the City of Toronto, Ontario ("City"), whether, in the opinion of the Conservation Review Board, on the basis of the evidence it heard, the property known as 185 Beta Street (formerly 183 Beta Street) should be protected by bylaw under s.29 of the Act.

The current legal description of the property is Part Lot 9, Concession 2, Colonel Smith's Tract, Part Lot 3, Plan 66R-20536, City of Toronto, and the current owner is Mia Ferkul. This property is unoccupied and contains a 1968, 2-storey dwelling flanked by c.1860, west and east, one-storey "wings" described as remnants of the c.1860 dwelling which was demolished.

The Board held two pre-hearings on this matter, October 30, 2007, and January 21, 2008. There was no agreed statement of fact as a result of these pre-hearings.

Notice of this hearing was given by the Board, in the manner required under the Act, in the *Toronto Star* on February 12, 2008. An affidavit by a member of the Board's staff with respect to this notice was filed as Exhibit 1.

The hearing day commenced with a site visit of the subject property at 8:30 a.m. on February 26, 2008, and the hearing convened the same day at 10 a.m. in Boardroom 7B, 7th Floor, 400 University Avenue, Toronto, Ontario.

The hearing ended at 5:00 p.m. on the same day, February 26, 2008.

Counsel in Order of Appearance

Ms Jessica Braun, solicitor, Legal Services, on behalf of the City of Toronto
Mr. Anthony Klemencic, solicitor, on behalf of Mia Ferkul

Witnesses In Order of Appearance

Ms Kathryn H. Anderson

Mr. Robert Ferkul
Ms Mia Ferkul

Members of the Public In Order of Appearance

None

Jurisdiction of the Board

All parties were reminded that the jurisdiction of the Board is to hear evidence within the framework of Ontario Heritage Act Regulation 9/06 or equivalent criteria typically applied by the City of Toronto to determine the cultural heritage value or interest of a property.

The Board does not address issues of demolition or selective demolition, as these are the jurisdiction of Council and, on appeal, the Ontario Municipal Board.

The Board does not address issues of the costs of physical maintenance or repairs, as these are outside the matter of cultural heritage value or interest.

The Board does not address any planning applications or issues that are under the jurisdiction of the Planning Act. These are between the applicant and the municipality.

Evidence on any of these matters will only be heard if it gives context to the discussion of cultural heritage value or interest and any heritage attributes or features that may support that value or interest.

As is the custom of the Board at the start of the hearing, members of the public in attendance were asked if they intended to participate by making a statement later in the proceedings.

Procedural Matter

Ms Braun stated her concern on the late arrival of a document book of photographs provided her by Mr. Klemencic. The Board agreed to adjourn for 30 minutes to permit adequate review of this document book.

Case for the City of Toronto

Ms Braun began by explaining that the position of the City is to protect the property under s.29 of the Act, specifically the two c.1860, one-storey “wings” abutting the east and west facades of the 1968 dwelling, but not the 1968 dwelling. Exhibits 2 through 15 were filed with the Board.

Witness – Kathryn H. Anderson

Ms Anderson was sworn as an expert witness in architectural history.

Ms Anderson was identified as a Preservation Officer, Heritage Preservation Services, Policy and Research, City Planning Division, City of Toronto. Her curriculum vitae (Exhibit 4) lists her related educational credentials and work experience.

Ms Anderson referenced the City of Toronto Document Book (Exhibit 3), Tab 1: Venice Charter; Tab 2: Appleton Charter; Tab 3: 2005 Ontario Provincial Policy Statement; Tab 4: Eight Guiding Principles in the Conservation of Built Heritage Properties; and Tab 5: Toronto Official Plan, 3.1.5 Heritage Resources, as a demonstration of the commitment of the international

community, province, and City of Toronto to the conservation of cultural heritage resources.

The City of Toronto Criteria for Heritage Properties under the evaluation categories of Architecture, History, and Environment are contained in Exhibit 3, Tab 10. The Board accepted this as equivalent to Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest.

Background

Ms Anderson explained that the City of Toronto commenced an inventory of heritage properties in 1973.

Exhibit 3, Tab 7, is a copy of the Inventory of Heritage Properties in the former City of Etobicoke. The property at 183 (now 185) Beta Street is listed as "Ashfield," building type residential, date of construction c.1850, original owner A. Cameron, and described as a "2 storey brick manor house, home of the Horner Family." The Etobicoke inventory was merged with the City of Toronto inventory in January 2000, following municipal amalgamation.

Exhibit 5 is an extract of the 1975 *Sidelights of History: A Guide to Etobicoke's Century Buildings*. The depiction on p.30 of the subject dwelling at "183 Beta Avenue" was cited by Ms Anderson as confirmation that the Etobicoke Historical Board was aware of the significance of the property by that date.

Exhibit 6 is the October 15, 1997 letter from the Etobicoke Historical Board addressed to Mr. and Mrs. A. Ferkul apologizing for not including the Ferkuls at the recent unveiling of plaques commemorating the Horner and Brown families. It states: "Ashfield is one of the outstanding century homes in Etobicoke, and staff at the Inn would welcome the opportunity of discussing its history with you on your visit."

Ms Anderson explained that any permit application for a property listed on the Inventory is routed for comment to Heritage Preservation Services and from there to four Community Councils. Preservation Services was notified in August 2002 of an application by Ms Ferkul for the demolition of the existing 1968 dwelling and detached garage, and severance of the property into 5 building lots. At that time, Ms Anderson personally viewed the property and assembled the existing and new research. This resulted in Preservation Services asking the Committee of Adjustment on January 24, 2003, to defer consideration of the application (Exhibit 7). A Memorandum dated January 29, 2003, from City of Toronto Councillor Irene Jones, Etobicoke-Lakeshore, to the Committee of Adjustment, registered her objection to the demolition (Exhibit 8).

William J. Moffett, B.Arch, M.R.A.I.C., was commissioned by Mia Ferkul and prepared the report, *Architectural Evaluation Horner Homestead, 183 Beta Street, Alderwood Neighbourhood, Etobicoke, January 2003* (Exhibit 9). The Ferkul application was next dealt with by the Committee of Adjustment on June 5, 2003 with a Notice of Decision issued June 11 (Exhibit 10). Ms Anderson noted that approval was conditional and included: (2)(iii) *Obtain written approval from Heritage Preservation Services, Economic Development, Culture and Tourism Services.*

A letter of October 2, 2003, to Eros Fiacconi, EGF Associates (Exhibit 11) states that as the submitted building plans incorporate the "historic wings," Preservation Services had no objection to the issuance of the building permit; however, "any significant change to the historic wings that is not consistent with the proposal outlined in the aforementioned plans, will require the review and approval of Heritage Preservation Services." Ms Anderson stated that Preservation Services had no further involvement with the property until July 24, 2006, when it inadvertently was made aware that a demolition permit had been issued. Ms Anderson had no definitive explanation of why Preservation Services was not notified before this permit was issued.

Prompted by the demolition permit, the available file regarding the researched history of the property was reviewed. Ms Anderson cited the contents of the file as Exhibit 3, Tab 9: undated photograph of the south façade of the c.1860 dwelling. Exhibit 5: *Sidelights of History: A Guide to Etobicoke's Century Buildings*, 1975; Exhibit 9, the Moffett report; Exhibit 12: an undated research report "Ashfield 183 Beta Avenue/Street" attributed to the Etobicoke Historical Board; Exhibit 13: extracts of 1860 and 1878 maps showing the site; and Exhibit 14: *History of Toronto and County of York, 1885*, pp.254-255 re D.F. Horner. She considered this research to be "detailed and thorough," but added to this a search of property tax assessment rolls and the 1861 census before completing the Research Checklist (Exhibit 3, Tab 8). She does not consider that the research process was undertaken in a "hasty" manner due to the timeframe resulting from the demolition permit having already been issued.

A July 27, 2006 Toronto Staff Report (Exhibit 3, Tab 12) provided Council with the Background, Statement of Reasons for Designation, Heritage Attributes, etc., and a recommendation to issue the Notice of Intention to Designate the property under s.29 of the Act. The Notice was adopted by Council on July 25, 26, 27, 2006 (Exhibit 3, Tabs 13, 14, and 15 contains related information). Due to the short time frame, this was done before the matter was on the agendas of Preservation Services and the Etobicoke York Community Council.

Reasons For Designation

Ms Anderson reviewed the Reasons for Designation as provided in Exhibit 3, Tab 12 (See Schedule 1 of this report). The property is considered to meet the criteria for municipal designation in all of the three evaluation categories of design or physical, historical or association, and contextual.

It was explained that A. Cameron bought the property in 1850 but he is not enumerated in the relevant section of the 1851 census. The tax assessment rolls indicate an increase in value in 1860; a dwelling is plotted on the property on the 1860 Tremaine map; and Cameron is enumerated on the 1861 census with a 2-storey, brick house. For these reasons, the statement is made in the Reasons for Designation that the dwelling known as "Ashfield" was purportedly built by 1860 for Alexander Cameron."

On inquiry by the Board, it was recognized by Ms Anderson that the reference in the Reasons for Designation that the original dwelling faced north is incorrect; it faced south to Lake Ontario. When the main dwelling (centre section) was demolished and the 1968/extant dwelling was built facing north.

Ms Anderson added that to her knowledge, "there is no other known example of a main house with wings," and there are "few/no other examples of this 2-colour brickwork" identified on the City of Toronto Heritage Properties Inventory. The property is within the historic community of Alderwood, which has three other properties on the Inventory: a 19th century dwelling, Franklin Horner School, and Adam Beck School. She considers the subject property to contain the only remaining reference to the 19th century origin of Alderwood as a farming community.

In summary, the property is considered to have design or physical value as an "example of the Regency style with a high degree of craftsmanship;" historical or associative value for its "association with the Horner family of Etobicoke;" and contextual value as "a local landmark in the Alderwood area of Etobicoke." It is a distinctive feature in the neighbourhood and reminder of the 19th century development of this part of Etobicoke.

Letter of Objection

Ms Anderson gave her perspective on the contents of the August 26, 2006 letter of objection from Mia Ferkul (Exhibit 3, Tab 16):

- No. 2: re the extended eaves detailing: Ms Anderson reiterated that each wing has a

hipped roof with extended eaves and that this form is typical of the Regency style of architecture. The existing materials of the roof are not listed as heritage attributes.

- No. 3: re alterations: Ms Anderson acknowledged that there have been changes made to the window openings but that the remaining “6x6, segmental sash are important.” She cited the Moffett report statement (Exhibit 9, p.3) that much of the original sash has been retained.
- No. 4: re that the brick was moulded and fired on site: Ms Anderson stated that the word “purportedly” was added to the text as a qualifier. She noted the statement in the Moffett report (Exhibit 9, p.2): “The beautiful red and yellow bricks were moulded and fired on the property.”
- No. 5: re public interest in the property: Ms Anderson referenced the 1997 letter (Exhibit 6); the Alderwood Historical Society Walking Tour; and the involvement of Preservation Services in the Committee of Adjustment application, as examples of public interest.
- No. 6: re the orientation of the existing dwelling: Ms Anderson considers it important that the wings have survived and that the 1968 dwelling continues the north-south orientation of the property.
- No. 7: (Refer to No. 2 regarding eaves.)
- No. 8: re the stone bases: Ms Anderson noted that the type and finish of the stone used in the foundation are intentionally not described.
- Nos. 9 and 10: re condition of the west wing and interiors: Ms Anderson stated that no interior heritage attributes are included and that condition is outside the jurisdiction of the Board.
- Nos. 11-15: As these are financial matters, the Board exempted them from further comment. Ms Anderson noted that the City does provide financial incentives to heritage property owners.
- No. 16: re condition: Ms Anderson commented that “condition” is separate from “historic integrity” and that the wing structures continue to hold historic integrity. She considers the current state of the wings to be related to past maintenance practices and not faulty design or construction.

Cross-examination of the Witness

In response to whether the building had been “compromised by changes,” Ms Anderson reiterated that it had been “altered” but its historic integrity had not been compromised.

There was extensive cross-examination regarding symmetry as a characteristic of the Regency style and whether removal of the main dwelling compromised the notion of symmetry in relation to the wings. Ms Anderson responded that historic photographs indicate the original design was Regency and the wings were integral to its symmetry.

It is Ms Anderson’s position that when the property was listed on the Etobicoke inventory in the 1970s, only the wings existed, and that the wings have their own form, scale, and massing, apart from the dwelling. Some discussion ensued regarding at what point cultural heritage value was irrevocably diminished by changes.

Mr. Klemencic queried if the 1970s information used to draft the current Reasons for

Designation was out of date. Ms Anderson answered that the Reasons were based on physical evidence and historical documentation.

Ms Anderson acknowledged that the plaques about the families associated with the naming of Horner Avenue and Brown's Line contain a depiction of Ashfield. There is no separate commemoration of A. Cameron or the 300-acre farmstead.

Mr. Klemencic queried the statement that the wings exhibit a "high degree of craftsmanship." In regard to the "stone" being a rubblestone foundation, not cut stone, Ms Anderson reiterated that the type and finish of the stone are not identified in the Reasons.

Regarding the quality of the brickwork, it was established by Mr. Klemencic that the bonding pattern differs with each façade. He also queried the statement that the bricks were moulded and fired on site, given the sand/loam, not clay, soil of the property. Ms Anderson responded that she is not an expert in heritage brick.

In response to the question of "what else has high craftsmanship besides the design of the brickwork?" Ms Anderson stated it "all relates back to the overall design of the wings, and distinctive brickwork pattern; the design of the wings is part of the style."

Mr. Klemencic questioned the historical/associative significance of Horner given that he was an Etobicoke councillor for only 4 years. Ms Anderson explained that this was only one aspect of the Horner family's involvement with the Alderwood/Etobicoke community. Regarding the statement that Daniel Horner invented the butter print, Ms Anderson noted that Miss Pearl Horner had the patent papers dated 1865.

Regarding contextual value, Mr. Klemencic cited other examples of Regency style dwellings including Colborne Lodge in Toronto and Inverarden in Cornwall where context seems to be a key component. Ms Anderson replied that those dwellings have the advantage of keeping their lands.

Mr. Klemencic referred to the Moffet report (Exhibit 9, p.3) statement: "The replacement of the original 2 storey block with a modern structure has seriously compromised the Architectural value." He also referenced p.4, "No evidence of the original landscape layout can be seen" and queried what associated landscape features survive. Ms Anderson responded that none are listed as heritage attributes. She also concurred that quoining is not unique to the Regency style.

Re-examination of the Witness

Ms Braun asked Ms Anderson to elaborate on the issue of symmetry. She responded that the symmetry is in reference to the Regency style and the use of "balanced wings on either side of the block of the main house."

Ms Braun referred to Regulation 9/06, Contextual 3(i), to which Ms Anderson stated this property does not define the character of the area; (ii) that she is not sure what this is intended to mean; (iii) the property is a landmark and this meets the requirement of the Regulation for contextual value or interest.

Board Question

On inquiry from the Board, it was explained by Ms Anderson that the "large segmental-arched window openings" listed in the Reasons refer to the large openings containing the multi-paned sashes, as opposed to the modern flat window openings.

This concluded the case for the City.

Case for the Objector

Witness – Robert Ferkul

Mr. Ferkul was sworn as a witness.

Mr. Ferkul stated he is the son of the Objector, Mia Ferkul. He identified himself as an Ontario certified architect with 6 years of education and 22 years experience primarily in institutional works, with some heritage building experience. He stated that he is considered an expert in masonry.

Given Mr. Ferkul's relationship to the Objector and that his curriculum vitae was not provided, the Board determined that the witness could give evidence based on his credentials as an architect, but would not be sworn as an expert witness in the field of historic architecture or heritage building conservation. Mr. Klemencic and Ms Braun concurred with this approach.

Mr. Ferkul referred to Exhibit 16, Tab 2, as his February 15, 2008 addendum to the August 25, 2006 letter of Objection from Mia Ferkul. The Board cautioned that the original letter of Objection could not be revised.

Mr. Ferkul explained construction aspects of the original dwelling and the surviving wings, as well as the past and current condition. This was kept within the parameter of cultural heritage value or interest:

- Uneven settlement of the structure in the sand/loam soil has resulted in brick failures on the wings; and was a factor in the decision to demolish the original dwelling
- Exhibit 17, pp.1; 8 illustrate that about 20 ft. of buff brick banding are missing from the eaves; the brickwork is cracking
- Mr. Ferkul estimated that the original eaves had a depth of about 24" but the existing are 16", which is the modern standard
- Exhibit 17, pp. 2-4 reveal variations in brick bond patterns, i.e., the east and west wings differ and only some facades have Flemish bond; the quoining is used as a transition between the different bond patterns on each facade
- The foundation is rubblestone, not a quality cut stone
- The brick could not have been fired on site, as the sand/loam soil does not produce clay brick, as supported by the reference materials in Exhibit 16, Tab 5
- Exhibit 17, various pages, illustrate that the placement of the door and window openings varies, and there is no overall symmetry to this placement or to the design
- The context of the dwelling within a 300-acre farmland has been lost
- The visibility and orientation of the east wing to the north will be lost when the new dwelling is constructed at the north
- Exhibit 16, Tab 2, p. 2, cites the Moffet report: "The area has been developed in a typical rectangular street grid and no recognition of the location of the Horner House has been

made in the street layout or the subdivision of the land surrounding the house. In fact, the house sits on the limited site remaining with its entrance facing north, away from the adjacent north/south Beta Street. No evidence of the original landscape can be seen. The significance of the house in a historical context is not evident in any way.”

Mr. Ferkul’s overall opinion is that the deteriorating condition of the wings is confirmation that these do not have “a high degree of craftsmanship.”

Mr. Ferkul referred to Exhibit 16, Tab 4, and his brief research about the history of butter prints. He contends that the butter print was invented before 1865 when Daniel Fisher Horner filed a patent for the same. Horner would have been age 9 at that date. Ms Anderson recognized that Horner’s date of birth was 1836 (as in the research report), not 1856 (as in the Reasons for Designation).

Cross-examination of the Witness

Ms Braun queried Mr. Ferkul’s qualifications as a heritage architect. The Board reiterated that he was not giving evidence as an expert witness or as a heritage architect.

Ms Braun noted that the Ferkul family had owned the dwelling for 50 years and queried how original construction vs. maintenance by the Ferkuls could be differentiated. As examples, who applied the white paint to visually extend the buff brick head over the door opening on the east façade of the east wing (Exhibit 17, p.6); has the depth of the eaves been reduced and when was this done. Mr. Ferkul responded that he believed the white paint pre-exists their ownership, and that features such as the inconsistent header courses and varying bond patterns are original construction, not maintenance.

When asked if he would agree with the statement in the Reasons for Designation that the wings are “single-storey rectangular plans covered by hipped roofs with extended eaves,” Mr. Ferkul noted that many (modern) buildings fit this description.

At the request of Ms Braun, Mr. Ferkul plotted the line of sight from the street along the north alignment of the wings. If the dwelling on the north is built within the permitted 4 ft. side yard allowance, Mr. Ferkul contends that the east wing will not be visible from the street.

Witness – Mia Ferkul

Ms Ferkul was sworn as a witness.

Ms Ferkul is the owner of the subject property and now lives in a new dwelling at 183 Beta Street. She explained that she and her late husband bought the Horner house in 1960 from Pearl Horner. The house needed extensive repairs and upgrades; the brick continues to deteriorate. The main section of the house collapsed during a rainstorm when they were excavating for an addition. The corner of the house had stood on a large rock, which was exposed and undermined by the rainwater. They were advised that the dwelling should be demolished. They built the existing house in 1968 and retained the wings as abutting, standalone, structures.

Ms Ferkul stated that she was not aware that the house was “historic” until notified by the Etobicoke Historical Society that a plaque was being erected to commemorate the Horner and Brown families. This was in 1997.

There was no cross examination of the witness.

This concluded the case for the Objector.

Members of the Public

Although Messrs. Anthony and Joseph Ferkul had indicated interest in making a statement, both declined as having nothing further to add.

Summation of the Case for the Objector

Mr. Klemencic presented his summation using the categories of Regulation 9/06:

Design or Physical

It is the position of the Objector that this dwelling may have started as a representation of the Regency style of architecture, but that this has been compromised by the loss of the main dwelling and resultant lack of symmetry. The brick is deteriorating, the roof has been replaced, the foundation is problematic, and the overall craftsmanship is poor. This is “a remnant site with remnant wings.”

Historical or Associative

The Horner family has been commemorated in the naming of a street and a school. The ownership and occupancy of this property by the Horners and their level of contribution to the community do not form a strong basis for designation. The significance of D. Horner as the “inventor” of the butter print has no basis in fact.

Contextual

As a “local landmark,” the structure lacks context, orientation, and is visually skewed. It is not “approachable or inviting.”

Summation of the Case for the City

Ms Braun reminded the Board that Ms Anderson was the only heritage expert who gave evidence and that, based on her expertise, the property warrants designation. The Board was asked to discount the other evidence, as it was not provided by a heritage expert.

Ms Braun added that the structural condition of the wings is outside the jurisdiction of the Board. There is a distinction between “condition” and “integrity,” and the historic integrity of this property meets the requirements of Regulation 9/06.

With regard to the level of craftsmanship, the as built must be distinguished from the evolved condition. The current state of the wings is the result of poor maintenance practices by the Ferkuls; for example, the brick is infilled; the eaves are not as deep as when built. These changes are acknowledged in the Reasons for Designation.

Ms Braun cited the June 11, 2003 letter from the City of Toronto Committee of Adjustment to Eros Fiacconi, EGF Associates (Exhibit 10) as proof that the Ferkuls had knowledge of the historic significance of their property.

The position of the City is that the property is a rare relic of an Etobicoke neighbourhood that meets the requirements of Regulation 9/06 in all categories.

The hearing ended at 5:00 p.m. same day.

Findings of the Board

Identification of Issues

1. City of Toronto Heritage Policies and Practices

Evidence was given concerning when the property owner was made aware or first understood that this might be a heritage property. This is not considered by the Board to have relevance to the determination of cultural heritage value or interest.

Similarly, the process by which properties on the City of Toronto Inventory are monitored for permit applications is not considered relevant to the Board's determination of cultural heritage value or interest.

2. Physical Condition

Regulation 9/06 does not consider physical condition *per se* as a criterion. The Board, however, does accept that, in some instances, physical condition may be directly relevant to the historic integrity of a heritage attribute, and therefore the cultural heritage value or interest of the property.

3. Whole vs. Part of the Original Dwelling

It is apparent to the Board that the City of Etobicoke research about the history of this property and design of the original dwelling has been carried forward to the current Reasons for Designation. Ms Anderson stated that the Etobicoke research was found to be adequate and that she supplemented the information through a search of property tax assessment rolls and the 1861 census.

In considering the evidence, it seems to the Board that the cultural heritage value or interest first assigned to this property encompassed the original composition of the dwelling, not just the surviving wings. This is even though by the time this research was undertaken, the main (centre) dwelling had been demolished and the replacement dwelling erected in 1968.

As an example, Exhibit 5, "Sidelights of History: A Guide to Etobicoke's Century Buildings" published in 1975 by the Etobicoke Historical Board, identifies the property as number 30, "183 Beta Avenue – 1850." The accompanying depiction is of the 1968 dwelling and the earlier wings; yet the textual description is of the pre-1968 dwelling. There is no statement in the text to clarify that the wings are the only surviving components of the original structure.

Exhibit 3, Tab 7, is an extract of the "Inventory of Heritage Properties in Etobicoke (pre-1998)." This Etobicoke Inventory was amalgamated with the City of Toronto Inventory and reads: "183 Beta Street (Ashfield), residential, c.1850, A. Cameron, 2 storey brick manor house; home of the Horner family." Again, there is no differentiation between the demolished section and the surviving wings.

Denise Gendron, Manager, Heritage Preservation Services (City of Toronto) does identify in a letter of January 24, 2003 (Exhibit 7) that the property contains the wings as "the surviving portions" of the original dwelling.

Throughout the hearing, the Board found it necessary to separate the cultural heritage value or interest being assigned to the whole original dwelling, as opposed to the surviving wings.

4. Design or Physical Value

The Board considers it relevant that the Regency style structure that formed the centre of the original tri-part composition of Ashfield was demolished in 1968. (The replacement dwelling is not listed as a heritage attribute in the proposed bylaw.) The City gave evidence that the symmetry of the surviving wings should be viewed in the context of the original tri-part composition of the dwelling.

The Board is of the opinion that, without the original centre component, the design or physical value of the surviving wings has been substantially diminished. No amount of reference to the as-built dwelling can reconstitute the symmetry enough to describe the wings as “representative examples of the Regency style.”

The City became aware during the hearing that the statement in the Reasons for Designation that Ashfield was constructed “to face north toward present-day Evans Avenue” is inaccurate. The primary façade of the original dwelling faced south. Not knowing the original orientation suggests to the Board that the symmetry and design of the surviving wings may not have been accurately considered by the City during their evaluation.

The Reasons state that the dwelling was constructed “using brick purportedly moulded and fired on the site.” The Board accepts the evidence that the sand/loam soil of the site is not capable of producing clay brick. In the Board’s opinion, qualifying this statement by inserting “purportedly” is unacceptable for purposes of a s.29 bylaw.

Ms Anderson stated that to her knowledge, “there is no other known example of a main house with wings” and there are “few/no other examples of this 2-colour brickwork” identified on the City of Toronto Heritage Properties Inventory. The merit of being a unique form (“main house with wings”) is not cited in the Reasons for Designation; nor is the dichromatic brickwork described as one of a “few/no” other examples in the City.

The evidence on the variety of brick bond patterns used for the wings was presented by Mr. Ferkul as an example of poor craftsmanship. As there is no reference to bond pattern variations in the Reasons, either this peculiarity was not recognized by the City, or is not considered a unique feature of the period masonry.

The Regency style is cited as the key design or physical value of this property, but there was no evidence on whether this style was unique or common to the Etobicoke area. Similarly, the statement that the wings exhibit a “high degree of craftsmanship” was not measured against any benchmark.

It is the opinion of the Board that the design or physical values of being a “representative example of the Regency style” and having “a high degree of craftsmanship” may have been applicable to the whole pre-1968 dwelling, but cannot be equally applied to the existing wings as standalone structures.

5. Historical or Associative Value

The property is described in the Reasons for Designation as “purportedly built by 1860 for Alexander Cameron.” The research report (Exhibit 12) states the name as Archibald, not Alexander. There does not seem to be any historical or associative value assigned to Cameron.

Primarily, the historical or associative value of the property is being found in its ownership by three generations of Horner family members. The City acknowledged that the date of birth given

for Daniel Fisher Horner in the Reasons for Designation should read “1836” not “1856.” He is considered significant as a local councilor and as “the inventor of the first Butter Print, a device for moulding butter in one-, two- and three-pound rolls.” An 1865 patent document was said to be in the possession of a descendant, Pearl Horner. Given the evidence presented on the technology of “butter prints,” it seems unlikely that Horner was the “inventor.” This leaves his significance as a 4-year council member.

The contribution of the family to the Etobicoke community has been commemorated in the naming of Horner Avenue and by a 1997 plaque. Daniel’s son was a school trustee and honoured in the naming of a local school, Franklin Horner Public School.

Without the attribution as “inventor” of the butter print, and given other commemorations of the Horner family, the Board is of the opinion that historical or associative value of the Horner family being embodied in the Ashfield property is a weak contention.

6. Contextual Value

Regarding Regulation 9/06, Contextual 3(i), Ms Anderson stated this property does not define the character of the area; (ii) that she is not sure what this is intended to mean; (iii) the property is a landmark. The Reasons for Designation state, “Ashfield is a local landmark in the Alderwood area of Etobicoke.” The wings are “distinctive features in the neighbourhood and reminders of the 19th century development of this part of Etobicoke.”

The Board agrees that the wings are physically distinct in the context of the modern neighbourhood. They are visual relics of an early period in the history of Etobicoke.

Without the original central portion of the dwelling, and knowing these wings are likely to be further obscured by new construction on the north, it is questionable whether this property constitutes a landmark that can be recognized and appreciated by the public.

7. Heritage Attributes

The principal heritage attributes that are said to embody the “Regency styling” and “high degree of craftsmanship” of this property are identified as the exterior walls and roofs of the two wings, specifically, their single storey, rectangular plan, hipped roofs, extended eaves, and dichromatic brickwork.

Evidence was given that questioned whether the existing depth of the eaves is as built.

It is not clear in the wording of the Reasons whether the “stone bases” are included or “above stone bases” is a physical orientation to the location of the brickwork.

The “large segmental-arched window openings” appear to be flat openings.

Discussion

It is the Board’s position that the ability of a municipality to protect a property within its jurisdiction under s.29 of the Ontario Heritage Act brings with it the obligation that the reasons given for this protection be as accurate as possible.

The Board recognizes that the nature of historical research and physical documentation of a property are such that some conjecture is unavoidable and acceptable. There is the understanding that future investigation may reveal aspects of the property not known when the bylaw was passed.

Based on the evidence heard, the Board considers several aspects of the proposed statement of cultural heritage value or interest and list of heritage attributes (Reasons for Designation) to be unsubstantiated, and therefore misleading. Information from earlier research reports has been carried forward, seemingly without sufficient verification and/or clarification. This questions the validity of the proposed bylaw.

In reference to Regulation 9/06, the Board is of the opinion that this property does not meet the requirements for design or physical value, if it is the intention of the City to place this value on the wings as “representative examples of Regency style with a high degree of craftsmanship.”

Neither can the Board agree that the property meets the requirement for historical or associative value given that the significance of Daniel Horner as the inventor of the butter print has not been substantiated. Commemoration of the Horner family has been conducted elsewhere.

The Board is of the opinion that there is contextual value in the property, but only in that the surviving wings are in their original 19th century location and are visually distinct in form and materials. Once the new dwelling to the north, and potentially on the subject property, are constructed, the contextual value and any sense of community landmark may be further eroded.

Board Recommendation

Based on the evidence heard, the Board is of the opinion that the proposed statement of cultural heritage value or interest and description of heritage attributes (Reasons for Designation) lacks credibility. For this reason, the Board recommends that the Council of the City of Toronto not proceed with the protection of the property known as 185 Beta Street (Ashfield, Horner residence) under s.29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended 2006.

Whatever the decided course of action, it is also recommended that the physical characteristics of these wings, as 19th century relics, be documented according to accepted standards before their condition further erodes or the structures are proposed for alteration, demolition, or removal.

The Board recognizes that the final decision in this matter rests with the Council of the City of Toronto.

The Board appreciated the efforts of all participants in these proceedings.

Original signed by:

Su Murdoch, Vice-Chair
March 29, 2008

Richard McDonald, Member
March 29, 2008

Schedule 1

Exhibits List

Exhibit 1: Affidavit of Notice of Hearing, submitted by the Board

Exhibit 2: Affidavit of Legal Ownership of the Property, submitted by the City

Exhibit 3: City of Toronto Document Book, submitted by the City

Exhibit 4: Curriculum Vitae of Kathryn H. Anderson, submitted by the City

Exhibit 5: 2-page extract of *Sidelights of History: A Guide to Etobicoke's Century Buildings*, 1975, submitted by the City

Exhibit 6: October 15, 1997 letter from the Etobicoke Historical Board/LACAC addressed to Mr. and Mrs. A. Ferkul re commemorative plaques ceremony, submitted by the City

Exhibit 7: January 24, 2003 letter from City of Toronto Heritage Preservation Services to Etobicoke Committee of Adjustment re severance application, submitted by the City

Exhibit 8: January 29, 2003 memorandum from City of Toronto Councillor Irene Jones, Etobicoke-Lakeshore, to the Committee of Adjustment re objection to the demolition, submitted by the City

Exhibit 9: William J. Moffett, B.Arch, M.R.A.I.C. report, *Architectural Evaluation Horner Homestead, 183 Beta Street, Alderwood Neighbourhood, Etobicoke, January 2003*, submitted by the City

Exhibit 10: June 11, 2003 letter from City of Toronto Committee of Adjustment to Eros Fiacconi, EGF Associates, re Notice of Decision, submitted by the City

Exhibit 11: October 2, 2003 letter from City of Toronto Heritage Preservation Services to Eros Fiacconi, EGF Associates, re plans reviewed, submitted by the City

Exhibit 12: Undated research report, "Ashfield, 183 Beta Avenue," submitted by the City

Exhibit 13: Extract of 1860 Tremaine and 1878 Historical Atlas of York County maps, submitted by the City

Exhibit 14: 3-page extract of History of Toronto and County of York, 1885, submitted by the City

Exhibit 15: two photographs showing wings viewed from Beta Street, submitted by the City

Exhibit 16: Owner's Document Book, submitted by the Objector

Exhibit 17: Ferkul Residence 11 pages of photographs, submitted by the Objector

Schedule 2

REASONS FOR DESIGNATION: 185 Beta Street, Ashfield

Description

The property at 185 Beta Street is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design or physical value, historical or associative value, and contextual value. Located on the east side of Beta Street, north of Horner Avenue, the property contains portions of "Ashfield", a house form building that was constructed to face north toward present-day Evans Avenue. Ashfield was purportedly built by Alexander Cameron (the tax assessment rolls documented an increase in value in 1860 and a brick house was recorded in the Decennial Census for 1861). Following the demolition of the central section of the house in 1968 and its replacement with an infill building, only the single-storey east and west wings survive, with the west wing now closest to Beta Street.

Statement of Cultural Heritage Value

The surviving portions of Ashfield, consisting of the single-storey east and west wings, have design or physical value as representative examples of the Regency style with a high degree of craftsmanship. Popular in Ontario between 1830 and 1860, the Regency style was inspired by the Royal Pavilion at Brighton and identified by its picturesque quality, symmetry, and hipped roofs with extended eaves. According to historical photographs of Ashfield, the wings originally flanked a two-storey house form building with Classical detailing and multiple chimneys, and complemented it in their design and cladding, using brick purportedly moulded and fired on the site.

Ashfield also has historical value for its association with the Horner family of Etobicoke. Daniel Fisher Horner (1856-1910), who acquired the property in 1876, was a councilor in Etobicoke Township and the inventor of the first Butter Print, a device for moulding butter in one-, two- and three-pound rolls. The property was inherited by his son, a school trustee for whom Franklin Horner Public School was named. Three generations of the Horner family occupied the site.

Contextually, Ashfield is a local landmark in the Alderwood area of Etobicoke. With their orientation on the property (following the subdivision of the farm land surrounding the house), form and brickwork, the east and west wings of Ashfield are distinctive features in the neighbourhood and reminders of the mid-19th century development of this part of Etobicoke.

Heritage Attributes

The heritage attributes of Ashfield related to its cultural heritage value as a representative example of Regency styling with a high degree of craftsmanship are found on the east and west wings, specifically the exterior walls and roofs; consisting of:

- The single-storey rectangular plans covered by hipped roofs with extended eaves
- Above stone bases, the dichromatic brickwork, with red brick cladding and yellow brick applied for the quoins, the flat arches over the window openings, and the band courses that extend along the walls beneath the eaves
- The large segmental-arched window openings containing six-over-six sash windows (on the east wall of the east wing, a window opening has been converted to an

entrance, and on the west elevation of the west wing, additional openings, including an entry, have been introduced)

Between the wings, the current two-storey house form building is not included in the Reasons for Designation.

Schedule 3

ONTARIO HERITAGE ACT

REGULATION 9/06

No Amendments

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.