

Conservation
Review Board

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CRB0808

CONSERVATION REVIEW BOARD

**RE: THE CORPORATION OF THE TOWN OF RICHMOND HILL –
INTENTION TO DESIGNATE THE PROPERTY KNOWN AS THE IRA D.
RAMER HOUSE, 33 ROSEVIEW AVENUE, RICHMOND HILL, ONTARIO**

**Peter A.P. Zakarow, Chair
Stuart W. Henderson, Member**

January 19, 2010

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 purposes of reporting to the Council of the Town of Richmond Hill (“Town”), whether, in the opinion of the Conservation Review Board, on the basis of the evidence it heard, the property known as 33 Roseview Avenue, the Ira D. Ramer House (Ramer House), should be protected by bylaw under section 29 of the Act.

The current legal description of the affected property is Lot 1, Plan 1883, Town of Richmond Hill and the current owner is Mr. Gregory Price.

The Board held two pre-hearing conferences on this matter on November 24, 2008, and May 13, 2009, which were attended by all Parties. There was no agreed statement of fact at the start of the hearing.

Notice of this hearing was served by the Review Board on the Parties and was published in the August 6, 2009 issue of *The Liberal* in the manner required under the Act. A Statement of Service by the Review Board’s Case Coordinator with respect to the Notification was filed as Exhibit 1.

The hearing date of August 17, 2009, commenced at 10:00 a.m. at the Town of Richmond Hill Council Chambers, 225 East Beaver Creek Road, Richmond Hill, Ontario.

A site visit by the presiding members of the Review Board was conducted at the start of the hearing.

Parties in Order of Appearance

Mr. Antonia Dimilta, Assistant Town Solicitor, Town of Richmond Hill
Mr. Gregory Price, Owner/Objector

Witnesses in Order of Appearance

Mr. Cameron Knight - Local Historian and Genealogist, - Town
Mr. Mark Krapez - Heritage/Urban Design Planner - Town
Mr. Gregory Price - Owner/Objector

Jurisdiction of the Board

The Parties were reminded that the jurisdiction of the Review Board is to hear evidence within the framework of Ontario Regulation 9/06, which is part of the Act, to assess the cultural heritage value or interest of a property being proposed for designation under s.29 of the Act.

The Board does not address issues of demolition or selective demolition, the costs of physical maintenance or repairs, any planning applications or issues that are under the jurisdiction of the Planning Act, the current state of repair of a property, or any future use of the property.

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. The relative weight of this evidence will be assessed by the Board in formulating its final recommendation.

The Board indicated that it would be diligent in adhering to these parameters and reminded all Parties of the practice of limiting evidence and argument deemed to be outside of this scope.

Procedural Matters

At the outset of the hearing, Mr. Price asked that the hearing be dismissed on two grounds.

First, he argued that the Town had contravened the Review Board Rules of Practice and Procedure in failing to provide proper notification of its supplementary document book, which the Parties agreed had been delivered four days before the hearing.

Second, he asked that the hearing be dismissed on, for all intents and purposes, the grounds of natural justice, in that the delay in bringing this matter before the Board had prejudiced him as the process of designation, in his opinion, had commenced approximately eighteen to nineteen months ago. He referred to the criminal case involving delay; *R. vs. Askov* (1990), 2 S.C.R. 1199, and felt that a reasonable amount of time to bring such a process before the Board should have been twelve months.

Mr. Price had provided no prior notification to the Town or to the Review Board of his plans to request a dismissal nor did he provide any documentary or written evidence or submissions to substantiate this request.

The Town's response to the request for dismissal verified the late delivery of the supplementary material, however, pointed out that it merely supplemented the documentation previously provided and in no way would Mr. Price be prejudiced by the submission of such evidence.

The Town stated, in regard to the undue delay objection, that it had been working over the last year and a half towards a mutually satisfactory result and the responsibility for the evolution of this case was equally shared by the Town and Mr. Price. The Town considers that it has been

dealing with Mr. Price fairly and reasonably in a timely manner since the commencement of the process initiated by Mr. Price's January 9, 2008 application for a demolition permit for the house and garage. The Town noted that a main factor causing delay was that Mr. Price never submitted the required development proposal that must accompany any demolition application. It was also Mr. Price that requested an adjournment of the Review Board hearing scheduled for April 22 and 23, 2009, in order to allow time for further negotiations to take place with the Town.

After a short recess to contemplate these procedural matters, the Review Board members held that the owner's request for a dismissal of the hearing was not valid. Mr. Price did not substantiate a valid argument to justify a dismissal, and was not interested in seeking an adjournment to allow for more time to consider the Town's late arriving submission book. The Review Board determined that in no way had the owner been prejudiced by the supplementary materials that were filed by the Town, nor had there been unreasonable or unnecessary delay on the part of the Town in bringing this matter before the Board. As such, Mr. Price's request for a dismissal of this hearing on these grounds was denied and the hearing proceeded.

Case for the Town of Richmond Hill

Witness – Mr. Cameron Knight

Mr. Knight's credentials were presented. The Parties agreed that he could be accepted by the Review Board as an expert in local history and genealogy, and the witness was sworn in by the Review Board as such.

Mr. Knight reviewed the history of the Ramer family who came to the area in approximately 1809 from Pennsylvania where they were farmers and of Mennonite background. It would appear from his research that in 1903 Ira Ramer's father came to the Richmond Hill area and in 1913 Ira joined his father in business in the village of Richmond Hill. An article on Ira's death published in the *Richmond Hill Liberal* on December 22, 1960, described him as:

A citizen of the Community and took an active interest in many organizations... a devoted member of Richmond Hill United Church he was for many years a member of session, the Board of Trustees and the Church Choir, a fine Christian gentleman in every sense of the term, he was a generous supporter of church work and in his quiet unostentatious way, he was generous in extending help to those in need. Many in the Community through the years were recipients of his Christian charity. (Exhibit 2, Tab 20, p.138)

Mr. Knight characterized Ira Ramer as a successful businessman, churchgoer, Mason, and a worthy citizen who benefited Richmond Hill and its surrounds. He believes it is important to recognize that Ira's transition from farmer to urban businessman was not typical of the Mennonite culture and he is a rare example of someone who established a business separate and apart from the traditional Mennonite occupation of farming. Ira Ramer is representative of the early twentieth century movement from rural existence to urban development. Mr. Knight noted that the development of the rose cultivation industry in Richmond Hill in the early part of the twentieth century significantly increased the population and Ira Ramer was able to prosper as a result of such urban growth.

There was no cross-examination of the witness by the owner other than a confirmation that the photocopies containing the tribute to Ramer in *The Liberal* and his death notice are enlarged copies.

Witness – Mr. Mark Krapez

Mr. Krapez's credentials were presented and, with the endorsement of the Parties, the Review Board accepted Mr. Krapez as an expert in heritage property conservation, with him being sworn in as such.

Mr. Krapez related much of the procedural history behind the proposal to designate this property. On January 9, 2008, Mr. Price submitted an application for a demolition permit for the house and garage, which alerted the Town to its potential for cultural heritage significance.

This property has been on the Heritage Inventory of the Town of Richmond Hill since 1992, the same year that Mr. Price purchased the property (Exhibit 3, Tab 3, p.281). Since February 1992, the Inventory has verified the construction date of the house as 1914 and described it as:

Frame; red-brick veneer; 2 st; 1914 (v); side-hall; four square; hip roof with front gable; art glass; shed-roofed, veranda on Tuscan columns on brick pedestals; Ira D. Ramer, Grain Dealer. Re-sashed.

Mr. Krapez indicated that in Richmond Hill, the heritage evaluation criteria currently applied is Regulation 9/06 of the Ontario Heritage Act, but he anticipates that the new strategic official plan will have its own criteria.

In his opinion, contextually the location of the house is very integral to its significance. Its style, described as "four-square American" (a term derived from the layout of the rooms), is a more urban type and form of house and is related to the size of lot. This house is representative of an urban style of dwelling in an urban subdivision, as opposed to the Yonge Street corridor of Richmond Hill with its commercial properties and small shops. He believes the house is representative of a collection of houses in the area but is significantly more prominent because it is located on the corner of Roseview Avenue and Church Street, forming in essence a "gateway" to the new subdivision of the time.

From an historical perspective, the witness related that in 1878 this area was a farm and that the economy at the time was based around the village of Richmond Hill which was a rural community. The nearby railway line, and the electric radial line along Yonge Street, raised the hopes of more industry coming to communities north of Toronto, but by the end of the nineteenth century other areas, such as Gormley, were much more successful than Richmond Hill as there was no anchor industry in the area.

The witness explained that the development of the greenhouse rose industry dramatically increased the development of the Richmond Hill area. William J. Lawrence needed land to grow his roses, but also to develop a residential subdivision. He chose the site just east of Roseview Avenue for his greenhouses, as this was close to the radial and railway tracks. The rose industry was predominant even by today's standards and it indirectly helped Richmond Hill survive the economic depression of the 1930s. William Lawrence developed a unique combination of industrialization in the rose industry and residential development on adjoining lands. Between 1911 and 1920 the population of Richmond Hill doubled and it became a Town. Roseview Avenue and its surrounding locale is the first subdivision to be constructed in Richmond Hill and the first example of urban development in the area. The property Abstract indicates that Ira Ramer is among the first individuals to build on the street.

Mr. Krapez believes that Ira Ramer personifies the successful transformation from rural to urban life in Richmond Hill. As a grain and coal merchant, he benefited by the population growth in the area. It is significant that Ramer saw the potential for industrialization and urban growth, notwithstanding his rural Mennonite background. The transformation of the Ramer family and

the village mirror each other and the Ramer property is a physical expression of that transformative period.

Mr. Krapez advised that there are sixty designated properties in Richmond Hill and that there is no comparable street to Roseview Avenue. There are twenty-seven Roseview Avenue properties/buildings on the Inventory, representing over fifty percent of Richmond Hill's four-square buildings. He believes the property's heritage attribute (the house) with its three interesting stained glass windows, all four elevations of the original dwelling, the front porch with gable and columns, the original roof shape, the roof gable on the south (front) elevation, and all original exterior windows and arches are representative of it being a gateway to the community. He believes the house and property is an expression of the new order in the early twentieth century.

It was pointed out to the witness by counsel for the Town that the new Tridel condominium development immediately to the west of the subject property could have negatively affected the Ramer House. In Mr. Krapez's opinion, the stepping down of the lower storeys of the Tridel development is a mitigating factor. It was also brought to his attention that Mr. Price was not necessarily opposed to the designation of the south and west facades of the property (those facing the street). Mr. Krapez expressed his opposition to this type of facadism. He believes it is necessary to designate all four elevations to preserve the integrity of the structure as a whole.

Cross Examination of Mr. Krapez

Mr. Price drew Mr. Krapez's attention to several errors in his report, as outlined in his Notice of Objection (Exhibit 2, Tab 12, p.79). The inaccuracy with respect to actual poured concrete and brick veneer, as opposed to solid brick construction, was acknowledged by the witness.

Mr. Price questioned the witness on his opinion of the contextual value of what he alleged is a "kit" house. The witness reiterated that its location is extremely important notwithstanding its vernacular style and basically it is the first "kit" house built in the area. It defines the street by its location.

Mr. Price reiterated what he believed to be the potentially prejudicial impact of the Tridel development across the street, in that it diminishes the contextual significance. The witness repeated that although it is not the best sympathetic neighbour to the Ramer House, the stepping up of the first number of storeys recognizes the local streetscape and diminishes the overall adverse impact of the condominium development.

Case for the Owner/Objector

As Mr. Price was alone in representing himself, the Review Board queried the Town whether they would object to permitting Mr. Price to be sworn as a witness but to also allow him to present his case. There was no objection and Mr. Price was sworn as a witness.

Mr. Price has been a resident of Richmond Hill since 1956. He purchased the property in 1992 and relayed that the house was in terrible condition. The roof at the rear of the third storey was leaking, much of the plaster and flooring needed to be replaced, and the stained glass windows had to be rebuilt and installed. Approximately eight years ago he moved into the house, driven by an inability to obtain insurance for the property while vacant and regularly vandalized.

Mr. Price expressed that the house, on the whole, has been a "giant pain." The garage fell into disrepair and the Town sent notification to repair it or file for a demolition permit. This is what crystallized his applying in January 2008 for the original demolition permit. He advised the Review Board that he was told if he withdrew the application for demolition, the Town would

stop the designation process. He withdrew the application approximately one month later, but was chagrined to discover the designation process continued.

Mr. Price has no objection to the designation of the south and west facades of the structure so that if anyone wanted to build a larger building, such facades could be incorporated into the future development. It is a sizeable lot and he believes that designation would adversely affect its value. It is his belief that it is far too onerous and restrictive to have all four sides of the structure governed for designation purposes.

Mr. Price had neither expert evidence nor testimony for the Review Board, nor did he object to any great extent to the expert witness testimony of Messrs. Knight and Krapez.

Findings of the Board

Identification of Issues

1. Presentation of a Case

It is well documented in past hearing reports that the role of the Review Board is to act in an objective way to weigh the evidence and argument raised by Parties in a hearing, in order to formulate a final recommendation to Council. In an open and accountable hearing environment, all Parties are given the opportunity to present their case and compel the weight of recommendation in their favour.

The Review Board has also enacted practices to better prepare Parties to best use their opportunity at a hearing, through directing the Parties in a pre-hearing conference to understand the scope of enquiry, the process of the hearing, and the requirements for disclosure and conduct.

In all proceedings, the assigned Review Board Chair and Member are tasked with weighing the relative positions of the Parties and assigning value to the evidence and argument presented. Some factors that affect the weighting are the use of expert and/or knowledgeable witnesses and the compelling arguments used to forward a party's position.

In this case, the Review Board also weighed the evidence and argument of the owner/objector, as not having a legal background, to ensure a relative position to communicate his case against counsel for the Town. While Mr. Price attempted to leverage some legal analysis in both his request for dismissal and in presenting his case, unfortunately neither was developed nor articulated in a way to bolster his position. In response to the detailed assessment of cultural heritage value or interest employing Ontario Regulation 9/06 by the Town, the owner/objector did not develop and present a case refuting the significance of the property. The Review Board can only make recommendations based on the evidence and argument presented at the hearing.

2. Evaluation of Cultural Heritage Value or Interest

The Town outlined a reasoned analysis demonstrating what it considers to be the cultural heritage value or interest of the property under Ontario Regulation 9/06.

Design/Physical Value: It is proposed that the property derives its value from being an urban model of four-square American style construction. It is the first and is a unique representative of this construction style which was duplicated along Roseview Avenue and adjoining streetscapes. The craftsmanship of the structure, although not overly ornate or elaborate, is still symbolic of this early twentieth century building style and is survived by many of the same style of dwelling in the area.

Historical/Associative Value: This is the first lot of the first urban subdivision to arise from the prosperity of the developing rose industry, which in turn was pivotal to the transition of Richmond Hill from rural village to urban townscape. This transformation was led by a very progressive Mennonite businessman, Ira Ramer, who built this structure at 33 Roseview Avenue.

Contextual Value: The property essentially defines the gateway to the subdivision that was created in the early twentieth century by William Lawrence in conjunction with his nearby greenhouse rose industry. It remains a snapshot in time, representing the significant historical legacy that the rose industry provided to the town of Richmond Hill. The modern condominium development across the street was designed to minimize the impact on the contextual value of the subject property and the Roseview streetscape

Discussion

The evidence presented by the Town demonstrates a property that has qualities under each criteria area of Ontario Regulation 9/06. In weighing the relative positions of each Party, the Town's analysis seems realistic and compelling, in the absence of any real argument in objection.

While the owner/objector noted a situation where he applied for a demolition permit for the garage and house, only to have a designation process commenced, it must be noted that the Act does not differentiate how a designation process commences. Therefore, any discussion between the Town and the owner/objector in this regard is irrelevant to the Review Board at the hearing stage.

On the weight of evidence and argument, the Town presents a compelling case to protect the cultural heritage value or interest of this property. While none of the criteria areas of Ontario Regulation 9/06 are necessarily overwhelmed when applied to this property, there is clearly a degree of significance present, magnified by the lack of a dissenting case.

As the recommendation of the Review Board is based on the evidence heard at the hearing, it can be concluded that the subject property holds sufficient cultural heritage value or interest as defined by Ontario Regulation 9/06. The property, therefore, is suitable for protection under s.29 of the Act.

Board Recommendations

For the reasons given, the Review Board recommends that the Council of the Municipality of the Town of Richmond Hill proceed to protect under s.29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended 2009, the property known municipally as 33 Roseview Avenue.

It is advised that the Town ensure that the owner/objector understands his rights and any applicable provisions under the Act, in a way that demonstrates the intention of the Act to achieve balance between built heritage conservation and the private ownership and enjoyment of property.

The Review Board also notes the Town's evidence that twenty-seven Roseview Avenue properties/buildings are on the Inventory, which is presumed to equate to a Register as defined by s.27 of the Act. Given the apparent potential for future proposals to designate other individual properties on Roseview, it may be prudent for the Town to more formally assess or study the significance of this subdivision overall. This may allow the Town to better understand any relative significance of this area, and hence the contextual value of the subject property in this case and potentially other individual properties in the future.

The Review Board recognizes that the final decision in this matter rests with the Council of the Town of Richmond Hill.

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

(ORIGINALLY SIGNED BY)

Peter A.P. Zakarow, Chair
January 13, 2010

(ORIGINALLY SIGNED BY)

Stuart W. Henderson
January 13, 2010

SCHEDULE 1

EXHIBITS LIST

- Exhibit 1: Affidavit of the Case Coordinator to the Conservation Review Board regarding the Notice of Hearing.
- Exhibit 2: Document Book of the Town of Richmond Hill
- Exhibit 3: Supplementary Document Book of the Town of Richmond Hill
- Exhibit 4: Curriculum Vitae of Cameron Knight