

**Conservation
Review Board**

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**Commission des
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**RE: CITY OF SCARBOROUGH - INTENTION TO DESIGNATE
2050 McCOWAN ROAD, SCARBOROUGH**

Heather R. Broadbent, Member
Gerald Weinberg, Member

October 6, 1992

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 of the Notice of Intention by Council of the City of Scarborough to designate 2050 McCowan Road as being of architectural or historical value or interest under Part IV of the Ontario Heritage Act.

Brendan O'Callaghan, B.A., L.L.B., Solicitor for the
City of Scarborough

Steven Rivers, Senior Planner
Richard Schofield, Chairman, Heritage Scarborough
(LACAC)

Kyle Elief, Representative 416757 Ontario Ltd., owner

Observing were:

Jonathan McDonald, Amy Sattin (Graduate Students Ryerson Polytechnical Institute) and Frank Edwards, Clerk's Department, Scarborough

The Conservation Review Board attended at the Municipal offices in Scarborough on October 6, 1992. The public hearing was conducted in order to determine whether 2050 McCowan Road, also known as the Hugh Elliot House, should be designated under the Ontario Heritage Act for architectural and historical reasons. The Board viewed the building early in the morning prior to the hearing.

Mr. O'Callaghan, leading for the City, explained that he and the owner's representative had discussions before the hearing and felt that they could probably abbreviate the hearing because there was agreement between the parties on some aspects of the designation. The Board confirmed that it would hear the background information.

At the beginning of the City's evidence, the Chairman, having recognized Richard Schofield, asked Mr. Schofield to confirm that

when she and he had, prior to May of 1992, served on a Provincial committee together, they had never at any time discussed the subject property. Mr. Schofield concurred.

Steven Rivers was the first witness. A graduate of Queen's University in 1976, Mr. Rivers has worked as a Senior Planner for Scarborough for two years. His evidence described the Official Plan and zoning designations of the subject property. Several items relating to ownership and zoning were presented as exhibits and are listed in Appendix 1.

Richard Schofield, Chairman of Heritage Scarborough, the City's LACAC, described in his evidence the history and the architecture of the building. In addition, the Board heard that the building had been on the list of important historical buildings in Agincourt (then the local municipality), prepared by the local historical society two years before the Heritage Act was passed. At the time the original LACAC was formed in 1975, the building was one of several placed on the City's list of important heritage structures.

Mr. Schofield explained that it is very expensive to undertake designation and the LACAC worked away systematically at the list giving priority when necessary to public buildings or those that were threatened in some way. In his evidence on the history and architectural style of the building, Mr. Schofield said that it was originally believed to have been constructed in 1860 but certain evidence now suggested it may have been as much as twelve years before that.

Originally a single storey, the Second Empire style roof line encompassing another floor was added later, as the Elliot family expanded. There are three similar buildings in Scarborough, the remnants of what had been a popular building style in the municipality in the past. One is designated but very altered and the other very inappropriately changed and now beyond restoration. As the best example, largely unaltered, the subject building was important architecturally and for its connections to a pioneer Agincourt family. Mr. Schofield added that Heritage Scarborough hopes to do measured drawings of the building. He pointed out that although not a pure style, few buildings in Scarborough or elsewhere in Ontario are.

In an explanation about the delays, the witness elaborated on the financial ability of the City to designate a few buildings each year and when this owner indicated that he would prefer that it be delayed for a specified time, the Committee and the City concurred and the money went to another proposed designation.

In preparation for the hearing, the Board received copies of many pieces of correspondence between all parties, including the Board, going back to 1981. It was obvious to the Board from that material, the evidence and the exhibits, that the owner has requested and received from the City several extensions of time before designation procedures were initiated. At no time did Mr. Elief reach the anticipated goal within the extended period.

There being no questions of Mr. Schofield, Mr. Kyle Elief, representing 416757 Ontario Ltd., took the stand. His company has owned the land on which the house stands since 1981 and was aware at that time that it contained a significant historical structure which he intended to incorporate in a development proposal. He stated that he was surprised to discover that it was to be designated.

Unlike many other hearings, the Board heard on this occasion that there have been frequent discussions between parties about the status of this building during the eleven years since the procedures to designate were initiated. The witness explained that his company had encountered many problems relating to servicing, zoning, access on to a major road and the existence of an old easement which had further complicated the access problem. Although it seemed obvious from the witness's evidence that his company, the City and its LACAC, had made every effort to ensure the designation was not an obstacle to future plans, Mr. Elief claimed that it was perceived to be an impediment or an encumbrance, by lending institutions. The Board informed Mr. Elief that this claim is frequently made and offered to recess so that an additional witness could be sworn to give this evidence. However Mr. Elief stated that his financial institution had already declined to be represented.

Mr. Elief agreed that although his latest request for a time limit extension had gone to Council and the LACAC in March, when he had anticipated another few months would be sufficient, he had encountered problems with servicing which required a "right-of-way" from the property to the north. Mr. Elief again elaborated on the difficulty he was encountering with potential lenders because the designation was anticipated. In other evidence, Mr. Elief indicated that the house was always occupied by a family member, rent free, for security purposes and had been well maintained by his company which had spent eighty thousand dollars (\$80,000) in necessary repairs. On the morning the Board did its inspection, the building was in quite good condition and the grass was being cut and the surrounding flower and shrub beds tidied. Mr. Elief did not contest the building was worthy of designation but asked that it should again be delayed due to the rezoning and financing difficulties. He also commented in his evidence that he might wish to relocate the building on site in the future, and use it as offices for the corporation.

In the closing statements, Mr. O'Callaghan for the City said that the worthiness of the building had been proven and that the owner's representative had agreed. Mr. O'Callaghan also reminded the Board that although Mr. Elief's rezoning application had not been formally submitted to Scarborough, when it was, there would still be several weeks to finish the zoning requirements before the designation procedures would be completed. Mr. Elief requested in his statement that the designation not proceed until he resolved his problem, particularly the financing, as his lenders saw it as a matter of grave concern. He said his only alternative might be to apply for a demolition permit.

The Board indicated that many owners of designated buildings have, and regularly renew, mortgages with no difficulties relating to the designation. It also reminded those present that the Board frequently invites evidence that designation decreases value or creates financing difficulties but has not yet received confirmation. The Board also asked if another three months extension would be sufficient to complete necessary planning steps but received no assurance that it was.

Findings:

The Board accepts the evidence of Heritage Scarborough that the subject building is of historical and architectural importance in the City and the Corporation acted appropriately in undertaking heritage designation procedures in an effort to protect it.

The Board accepts that it is a visible link to what is now the City of Scarborough's settlement and agricultural past. A well-built, modest residence, it is as relevant a link to Ontario's settlement history as any more pretentious structure.

RECOMMENDATION:

In the opinion of the Board, during the past eleven years the City has displayed commendable patience and co-operation, notwithstanding the difficulties indicated by the Objector, before initiating the procedure for heritage designation. Even during the hearing, no firm proposal for either the formal application for rezoning or support of a time frame to initiate designation, was received from the Objector.

The Board, in its deliberations, noted that the objection was not to designation or recognition of the heritage relevance of the structure but to when that official recognition should occur. The Board also noted the inherent value of the building to the site and the appropriateness of the suggested adaptive use as the company office in the future development of the site. In addition, the Board noted that the present low interest rates provided a unique opportunity to finance projects perhaps with a company that has a better understanding of the viability of

heritage designation, especially on a site with such high visibility.

The Board also noted that the Objector's evidence of difficulties in obtaining financing must, for lack of professional evidence to the contrary, be regarded by the Board as unsubstantiated. The Board also recognized that there may be some element related to the development proposal which may explain the reluctance of lenders to finance the operation which it did not hear in evidence.

CONCLUSION:

That the City of Scarborough acted appropriately in initiating designation of 2050 McCowan Road, Scarborough, for historical and architectural reasons and further, the Board recommends that the City ensure that the building has a viable alternative use in the future plans for site; be designated on its present site, and that a metes and bounds survey be undertaken to ensure that only the building and its surrounds are designated and registered on title, not the whole parcel.

(Original signed by)

Heather R. Broadbent
Member

Gerald Weinberg
Member

LIST OF EXHIBITS

- 1 Affidavit from Nancy Smith, Secretary of the Conservation Review Board of notice of hearing published in the Scarborough Mirror on September 9, 16 and 23, 1992.
- 2 Record of ownership.
- 3 Three reproductions of early photographs of 2050 McCowan Road, Scarborough.
- 4 Criteria for Designation
- 5 Extracts of City of Scarborough Official Plan relating to the Zoning of the site under City By-Law Number 11986.