

Heritage Vaughan Committee Report

DATE: Wednesday, October 25, 2023

WARD: 2

TITLE: PROPOSED DESIGNATION UNDER PART IV OF THE ONTARIO HERITAGE ACT OF 8399 KIPLING AVENUE – WARD 2, WEST OF LANGSTAFF ROAD AT VAUGHAN MILLS ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Heritage Vaughan Committee’s support and recommend to the Committee of the Whole approval for the proposed designation of the property municipally known as 8399 Kipling Avenue located west of the intersection of Kipling Avenue at Langstaff Road and Vaughan Mills Road (as shown on Attachment 1).

Report Highlights

- The report proposes the designation of 8399 Kipling Avenue, a 1940’s dwelling in the Canadian variant of the French Chateau style.
- The property holds physical, associated, and contextual cultural heritage value as described in the attached Statement of Cultural Heritage Value.
- The designation of this property meets the policies of the Vaughan Official Plan and the objectives and required criteria outlined in the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06.

Recommendations

THAT Heritage Vaughan recommend Council approve the proposed development as presented, subject to the following conditions:

- a) That the Designation Report for 8399 Kipling Avenue be Received;

- b) That Council approve the recommendation of the Heritage Vaughan Committee to designate 8399 Kipling Avenue in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, c. O.18;
- c) That Staff be authorized to publish and serve the Notice of Intention to Designate in accordance with the requirements under Part IV, Section 29 of the *Ontario Heritage Act* R.S.O 1990, c.O.18 to the Ontario Heritage Trust, the Property Owner (City of Vaughan), and published in the local newspapers; and
- d) If no objection is served on the City Clerk within 30 days of the date of publication of the Notice of Intention, Council pass a by-law designating 8399 Kipling Avenue and a copy of the by-law be served on the Owner (City of Vaughan) and Ontario Heritage Trust and a notice be published in the local newspapers.

Background

8399 Kipling Avenue was evaluated as having significant architectural, historical and contextual value, and was added to the Listed Structures of Heritage Significance (RPCHV) in 2005 by City of Vaughan Council. Further research on the subject property has confirmed that the cultural heritage value of 8399 Kipling Avenue meets the criteria set out under OHA Regulation 9/06 for physical, associative and contextual cultural heritage value. A complete designation report that outlines these values is included herewith.

Previous Reports/Authority

Not applicable.

Analysis and Options

In June 2019, the *More Homes, More Choice Act*, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the *Ontario Heritage Act* ('OHA'). The Bill 108 Amendments to the OHA came into force on July 1, 2021, and include a shift in Part IV designations related to certain Planning Act applications. These changes affect Section 29(1.2) of the OHA which now restricts City Council's ability to give notice of its intention to designate a property under the Act to within 90 days after the City Clerk gives notice of a complete application.

The Bill 23, the *More Homes Built Faster Act*, 2022, Amendments to the OHA that came into force on January 1, 2023 mandates the municipalities to remove properties from the heritage register under section 27 if they do not pass a by-law designating the property on the second anniversary of the bill coming into force (January 1, 2025).

In light of this new legislation, it is imperative for City of Vaughan staff to identify cultural heritage properties that are currently Listed under Section 27 of the OHA or identified as a property of interest to be evaluated as a candidate for designation under Part IV, Section 29 of the OHA. The Province has amended O. Reg. 9/06 under the *Ontario Heritage Act*,

which establishes nine provincial criteria for determining whether a property is of cultural heritage value or interest if it meets two or more of the nine criteria.

As set out in Vaughan's Official 2010 Plan, the City of Vaughan states that it is the policy of Council to:

6.1.1.1. To recognize and conserve cultural heritage resources, including heritage buildings and structures, Cultural heritage landscapes, and other cultural heritage resources, and to promote the maintenance and development of an appropriate setting within, around and adjacent to all such resources.

6.1.2.6. That the City shall use criteria established by Provincial regulation under the Ontario Heritage Act for determining cultural heritage value or interest and for identifying and evaluating properties for listing in the Heritage register and for designation under Part IV of the Ontario Heritage Act. The City may further refine these criteria and provide guidelines for their use through the Vaughan Heritage Conservation Guidelines.

6.1.2.7. Any property worthy of designation under Part IV of the Ontario Heritage Act that fulfills one or more of the criteria identified in policy 6.1.2.6 will be considered to possess cultural heritage value.

6.2.1.1. To make full use of the provisions of Provincial legislation, such as the Ontario Heritage Act, Planning Act, Municipal Act and Environmental Assessment Act, to protect and conserve cultural heritage resources in Vaughan.

In 2005, the property was formally Listed under Section 27; however, the recent changes to the *Ontario Heritage Act* only give this property the limited demolition protection until December 2024.

Following a thorough re-examination of archival documentation, staff finds that the subject property holds cultural heritage value and meets the criteria set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

Designation Comments

ADDRESS: 8399 Kipling Avenue

LEGAL: Concession 8, Part of Lot 10

ROLL: 1928000320002320000

EVALUATION UNDER O.REG 9/06 CRITERIA

Ontario Regulation 9/06 made under the *Ontario Heritage Act* establishes nine criteria for determining cultural heritage value or interest. A property may be designated under Section 29 of the OHA if it meets two or more of these criteria. The following evaluation

tables identify the application of each criterion as “N/A” (not applicable) or “X” (applicable) to the property, with explanatory text below.

The tables below give an overview of significant cultural heritage value of 8399 Kipling Avenue. The Statement of Cultural Heritage Value (see attachment 2) provides a full description of the property’s cultural heritage attributes for evaluation purposes.

1. DESIGN OR PHYSICAL VALUE

The property has design value or physical value because it	
▪ is a rare, unique, representative or early example of a style, type, expression, material or construction method	X
▪ displays high degree of craftsmanship or artistic merit	X
▪ demonstrates high degree of scientific or technical achievement	N/A

8399 Kipling Avenue is unique dwelling representative of the Chateau architectural style, reflective of the status of wealthy homeowners. The Canadian variation of the style can be characterized by asymmetrical, conical towers, steeply pitched roof, dormers, and iron cresting. Through its execution, the structure also displays a high degree of craftsmanship or artistic merit.

2. HISTORICAL OR ASSOCIATIVE VALUE

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

8399 Kipling has historical (ownership) value to Frank Stone and Rose Stone, believed to be the original owners and the design-clients of the dwelling. This forms the associative connection and understanding between the successful business and lifestyle opportunities during the time period immediately following WWII.

3. CONTEXTUAL VALUE

The property has contextual value because it is	
▪ important in defining, maintaining or supporting the character of an area	N/A
▪ physically, functionally, visually or historically linked to its surroundings	X
▪ a landmark	N/A

The contextual value of the 1940’s Chateau at 8399 Kipling links the building’s physical location and chosen design to the property and to the image portrayed by the lavish lifestyle of the owners. While the structure may be set back further on the property, it contextually represents the separation in the way of life of the owners from those of their

neighbours during the time period it was built, and for those of certain economic background, prior to the residential developments.

Financial Impact

Not applicable.

Operational Impact

Not applicable.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Staff finds that, as examined from archival documentation, the subject property holds cultural heritage value and meets the required criteria as set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

The Development Planning Department is satisfied the proposed designation of 8399 Kipling Avenue conforms to the policies of the Vaughan Official Plan and the objectives and criteria of the *Ontario Heritage Act*. Accordingly, staff can support a Heritage Vaughan recommendation for Council approval of the proposed designation of 8399 Kipling Avenue under the *Ontario Heritage Act*.

For more information, please contact: Nick Borcescu, Senior Heritage Planner, ext. 8191.

Attachments

- Attachment 1 - 8399Kipling_Location Map
- Attachment 2 - 8399Kipling_Statement of Cultural Heritage Value
- Attachment 3 - 8399Kipling_CHIA April 2016 (draft)
- Attachment 4 - 8399Kipling_Maps
- Attachment 5 - 8399Kipling_Building Photos

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