

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 46, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2024.

**46. RESPONSE TO NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 11151 WESTON ROAD UNDER PART IV OF THE ONTARIO HERITAGE ACT**

**The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 18, 2024:**

**Recommendations**

1. That the Notice of Objection to the Notice of Intent to Designate 11151 Weston Road under Part IV of the *Ontario Heritage Act* (as shown on Attachment 2) be received;
2. That City Council consider the Notice of Objection dated April 12, 2024, and withdraw its decision of January 30, 2024, and its intention to designate the subject property at 11151 Weston Road under Part IV of the *Ontario Heritage Act*;

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 18, 2024

**WARD(S):** 1

**TITLE:** RESPONSE TO NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 11151 WESTON ROAD UNDER PART IV OF THE ONTARIO HERITAGE ACT

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To provide Council with information, analysis, and options regarding the Notice of Objection to the City's Notice of Intent to Designate (NOID), and to recommend to the Committee of the Whole **to withdraw the Notice of Intent to Designate** the subject property municipally known as 11151 Weston Road (as shown on Attachment 1), under Part IV of the *Ontario Heritage Act*.

**Report Highlights**

- The Owner(s) served a Notice of Objection to the Notice of Intent to Designate 11151 Weston Road on April 12, 2024, followed by a Structural Report and a Response to Evaluation Report
- Staff reviewed the objection and supporting materials submitted, and provide response and options herewith
- Staff recommend the City to withdraw the notice of intent to designate 11151 Weston Road.

**Recommendations**

1. That the Notice of Objection to the Notice of Intent to Designate 11151 Weston Road under Part IV of the *Ontario Heritage Act* (as shown on Attachment 2) be received;

2. That City Council consider the Notice of Objection dated April 12, 2024, and withdraw its decision of January 30, 2024, and its intention to designate the subject property at 11151 Weston Road under Part IV of the *Ontario Heritage Act*,

## **Background**

Cultural Heritage staff submitted a report proposing Designation of the subject property at 11151 Weston Road for Heritage Vaughan Committee recommendation to City Council, on November 23, 2023. This was reviewed at Committee of the Whole (1) on January 23, 2024, and Council affirmed its Intent to Designate by publishing the intent on January 30, 2024.

An Objection to Designation was received on April 12, 2024, from Peter Bartos (property owner), see Attachment 2. Cultural Heritage staff began communication with the property owner and their consultants on April 18, 2024, and were subsequently invited for a site visit on May 3, 2024.

## **Previous Reports/Authority**

[Heritage Vaughan Committee](#) – November 23, 2023

[Committee of the Whole \(1\) Report No.1](#) – January 23, 2024

[Council meeting – January 30, 2024](#)

## **Analysis and Options**

Staff has had continued engagement with the landowner's heritage consultants, discussing the merits of the designation as well as alternative options for retaining the building. Following the site visit, further email communication with staff from Biglieri Group – and an exchange of additional photographs and more documentation (see Attachment 3: [Structural Assessment](#) 28 May 2024) – took place and concluded on May 29, 2024 with the receipt of the Biglieri Group [Response to Evaluation Report](#) (see Attachment 4). The Report challenges each of the staff-listed 5 criteria under O.Reg.9/06.

Staff concurs that the owner-submitted documentation in support of the Objection to Designate successfully challenges 2 out of 5 criteria presented in the staff report (Criterion #2 and #8), partially challenges Criterion #1 and #5 and argues unsuccessfully against the criterion #4 presented in the staff report in support for Designation:

- *Criterion #1: 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:*

The argument against this point is based on the existing condition of the structure and incorporation of other architectural style elements into an otherwise Victorian

style. Staff agrees with the argument that staff did not take comparative analysis of this building against other similar buildings and agrees that the building is not a classic representation of a Victorian architectural style but disagrees that because the building is not a classic representative of Victorian style due to addition of other elements from other styles that it does not have design value. On the contrary, this makes it a unique representative of a vernacular style.

- *Criterion #4: 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*

Staff disagrees with the argument entirely that ownership of the property is not fundamental to establishing historical or associative value – when in fact it is the owners of the property at this location that have shown to be instrumental in the development of the immediate surroundings, both socially and physically within their immediate community and beyond.

- *Criterion #5: The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture:*

Staff agrees with the absence of broader thematic connections and lack of in-depth information, however, staff disagrees with the argument that noting property owners' participation within the community is insufficient – when in fact, the specific individual mentioning of each significant owner of this property and their respective titles and positions within the community are proof of their individual relationships to events and activities within the community over the decades.

Regarding the cost of the repairs of the house, the information provided in the Structural Assessment Report (Attachment 3) has been received and was reviewed by staff. It is staff's conclusion, based on the findings of the Structural Assessment Report, the Response to Evaluation Report, and the site visit and photography undertaken, that the repairs to the foundation can be addressed through installation of proper foundation drainage for a successful rehabilitation. The interior damages, caused by years of property neglect and misuse, are mainly cosmetic and non-structural, and can also be rehabilitated.

Therefore, concerns regarding the cost of physical repairs to the building are not relevant to the objection of whether the property is worthy of designation under the *Ontario Heritage Act*. However, it is important to note once more that designated properties become eligible for future financial incentives, as well as grant and loan programs at Federal and Provincial level, and potentially at municipal level should Vaughan implement such programs or incentives.

## **ALTERNATIVES FOR CONSIDERATION**

Under Section 29 (6) of the *Ontario Heritage Act*, City Council may decide whether or not to withdraw the Notice of Intent to Designate the property. A Notice of Intent to Designate was served onto the property owner(s) and was published on the City's website. By withdrawing the Notice of Intent to Designate, a Notice of Withdrawal would be served onto the owner(s) and a copy would be posted on the City's website.

### *1. Decline the Notice of Objection*

By declining the objection, Council affirms the City's decision to designate the property and adopt the Designation By-law. The goal of designation is to ensure the City encourage the rehabilitation, renovation and restoration of built heritage resources to appropriately manage, conserve and protect Vaughan's cultural heritage.

- Cultural Heritage staff, in collaboration with Archives staff, have conducted thorough research and found some merit to the objections stated in the Notice of Objection pertaining to architectural style and era and historical and associative value.

Should the designation proceed, the Owner(s) may appeal the designating by-law to the Ontario Land Tribunal (OLT) once the designating by-law has been passed, notice has been provided, and by-law has been published in accordance with Section 29(8) of the *Ontario Heritage Act*. Through an appeal under s. 29 of the OHA, there is an opportunity for heritage attributes to be modified during the appeal process, should the OLT deem it appropriate. The decision of the OLT is binding.

### *2. Withdraw the Notice of Intent to Designate*

Council could choose this option if it is convinced by the Notice of Objection claim that the building does not possess the cultural heritage value identified by Cultural Heritage staff. It should also be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will be removed from the City's Municipal Heritage Register. Once removed, it cannot be re-listed on the Register again for five (5) years, i.e., January 1, 2032.

- Designation does not restrict the legal use of property, prohibit alterations and additions, does not restrict the sale of a property.
- Designation ensures the City's ability to manage change to the heritage attributes of the subject property through the Heritage Permit process.
- Without designation, the subject property stands at risk of losing its cultural identity, and the heritage, environmental, informational, and aesthetic values.

## **Financial Impact**

N/A

## **Operational Impact**

N/A

## **Broader Regional Impacts/Considerations**

N/A

## **Conclusion**

Considering the new information provided by the owner's consultant and staff's further evaluation of the information provided, staff believes that the property still meets the minimum eligibility of 2 out of 9 criteria under O.Reg 9/06 of *Ontario Heritage Act* for Part IV designation. However, staff could not find further information on the date of structure and there is a lack of in depth information available regarding the activities or involvement of the significant owners and their impact on broader societal norms, cultural values, or historical developments within the community.

Due to this specific lack of further information, the designation may be challenged at Ontario Land Tribunal – therefore the Manager of Urban Design and Cultural Heritage recommends that Council withdraw the notice of intent to designate 11151 Weston Road under Part IV of the *Ontario Heritage Act*.

For more information, contact Shahrzad Davoudi-Strike, Manager of Urban Design and Cultural Heritage, ext. 8653.

## **Attachments**

1. Location Map
2. Notice of Objection to Designate
3. Structural Assessment
4. Response to Evaluation Report

## **Prepared by**

Nick Borcescu, Senior Heritage Planner, ext. 8191.

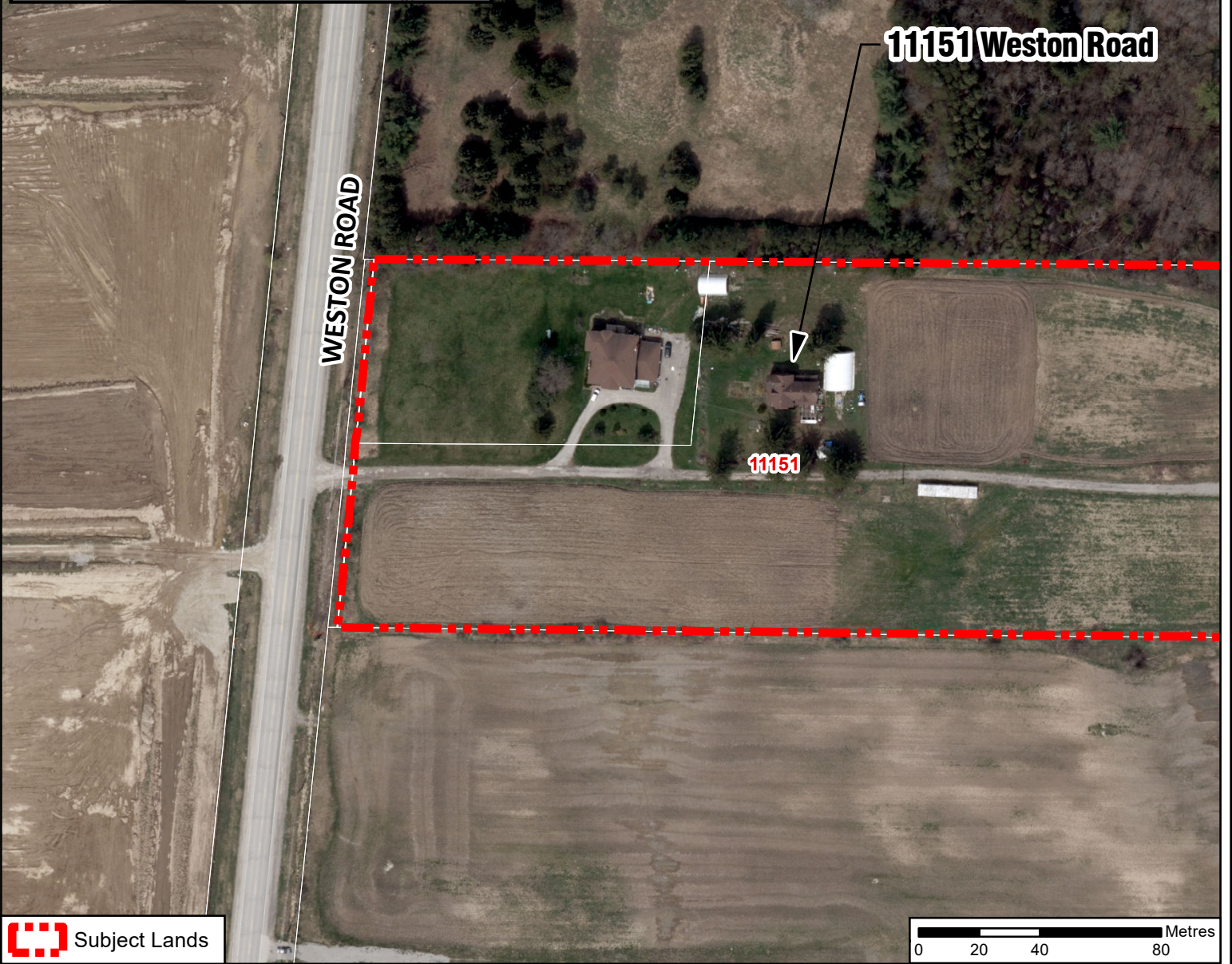
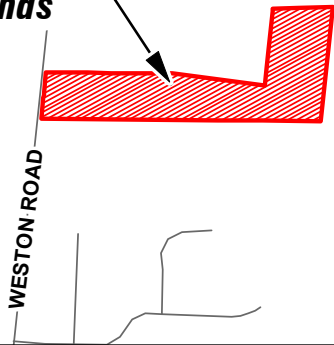
Shahrzad Davoudi-Strike, Manager Urban Design and Cultural Services, ext. 8653

Nancy Tuckett, Director of Development Planning, ext. 8529



# CONTEXT MAP

Subject Lands



# Location Map

Location:  
11151 Weston Road  
Part of Lot 28, Concession 5



# Attachment

Date:  
June 18, 2024

# 1

**ATTACHMENT 2  
11151 WESTON ROAD**

RF-2 Corp  
40 Snidercroft Road, Unit 11  
Concord, ON L4K 0B5

April 12, 2024

Todd Coles, City Clerk  
Vaughan City Hall  
2141 Major Mackenzie Dr.  
Vaughan, ON, L6A 1T1

Via e-mail: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

Dear Mr. Coles,

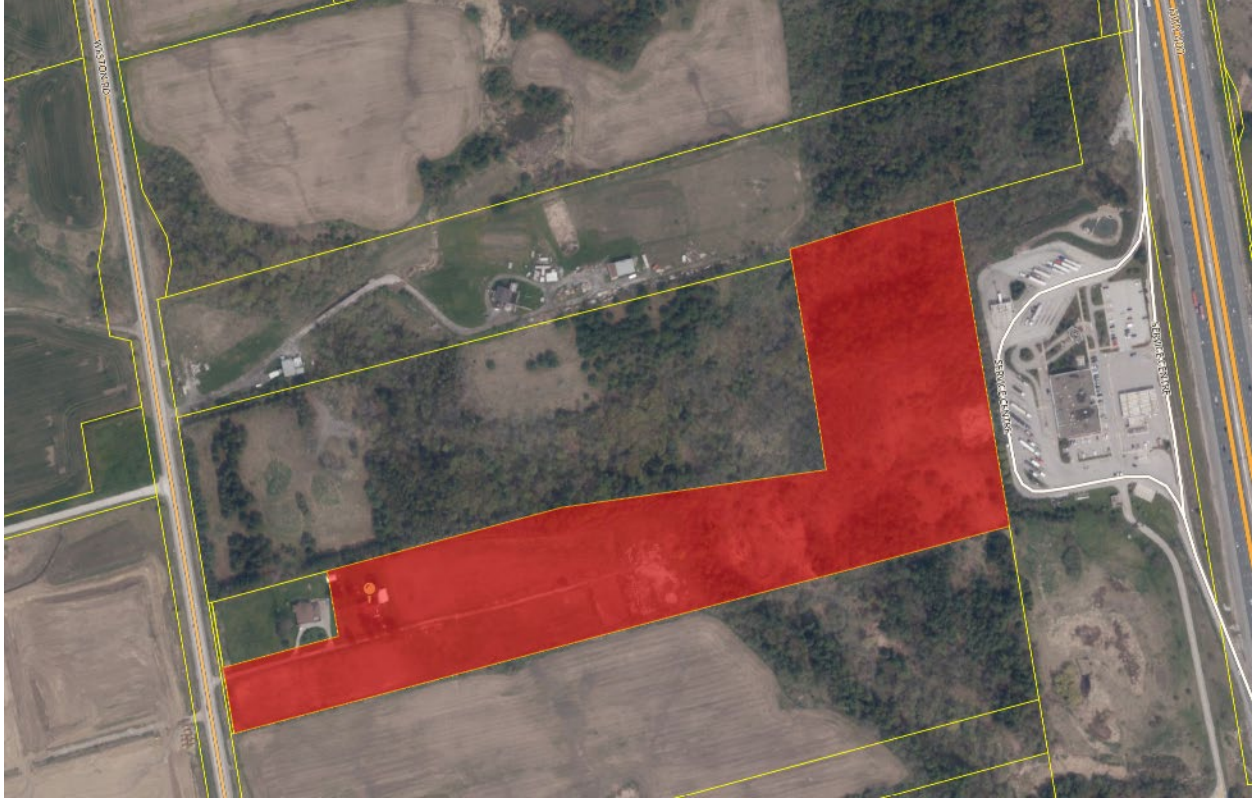
**Re: Notice of Objection to Notice of Intention to Designate 11151 Weston Rd, Vaughan, ON**

We, as the owners (registered under RF-2 Corp), of the property at 11151 Weston Road, Vaughan (referred to as the "subject site"), wish to address recent developments. It has come to our attention that the Council of the Corporation of the City of Vaughan intends to designate the subject site pursuant to Part IV, Section 29 of the Ontario Heritage Act.

The "Notice of Intention to Designate", is dated March 13, 2024, and we received it shortly thereafter. Specifically, the notice refers to PIN 033450136, highlighted in red below. We are noting this as there are two parcels side by side with the same municipal address, but different PINs.

When we purchased the property it was listed and not designated, and this formed part of our considerations during our due diligence.





With the prospect of a heritage designation looming, we are concerned about our ability to redevelop the site should we wish, in the future, potentially limiting us to maintaining the existing structures and nothing else. It is crucial for us to preserve the ability to pursue redevelopment opportunities on this property in the future with greater flexibility. We have concerns about the structural integrity of the house. The house has not been inhabited for some time, partly because of what is believed to be real safety concerns. We believe a structural engineer should assess the house to determine if its integrity has been lost and whether it is actually worthy of long-term protection. In addition, the house on the subject site is in poor condition, with additions, alterations, and substantial damage that have impacted and changed the originality of the house, and we do not believe long-term protection is warranted.

Therefore, we object to the Town's "Notice of Intention to Designate" under Section 29(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter Bartos'.

Peter Bartos

Per RF-2 Corp.

Cc. *Nick R. Borcescu*



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# **BUILDING CONDITION ASSESSMENT**

## **11151 Weston Road**

## **Vaughan, Ontario**

**Prepared for – Saberwood Homes --**

**SOSCIA ENGINEERING LTD.**

**Project number 24 – 54**

## Executive Summary

Soscia Professional Engineers Inc. visited 1151 Weston Road in the City of Vaughan, Ontario for the purpose of determining whether the existing dwelling is structurally stable and whether the dwelling is suitable for habitation.

The study was limited to a visual inspection of the building components and as found conditions. Destructive testing was not performed. The Ontario Building Code and the Occupation Health and Safety Act (OHSa) are used in assessing the building condition.

The subject building is a 2-storey structure and appears to have been abandoned for many years. The building sits on a stone foundation wall and was not maintained in a manner conducive to preservation. The building and roof were not properly sealed which allowed water to pour in the building over 8 years.

The building underwent a fire approximately 30 years ago and reminiscent of the fire exists on some of the wood framing in the basement (**Figure. 1**). The existing walls are of load bearing stone (basement) and stud exterior walls (above grade). The exterior façade exhibits brick damaging at high stress locations with stones making up the foundation wall. The ground and 2nd floors are significantly out of level and pose a structural hazard. The roof rafters bear on the exterior walls. This structure has undergone significant deterioration and does not meet the structural requirements of a dwelling as defined in the Ontario Building Code. Furthermore, we are of the firm opinion that the structure will not be capable of withstanding centrifugal forces during the transportation of the building. Transportation of this building will pose a safety hazard to the general public.

The exterior walls are a face sealed envelope assembly. They do not provide the required resistance for vapor diffusion; they do not provide the necessary resistance to air transfer and do not provide the required resistance to heat transfer. In consequence of no air barrier, no vapor barrier and no thermal insulation the building assemblies and materials have deteriorated. The deterioration has led to the development of mold, rot and corrosion, all of which are detrimental to an individual's health and is in strict contravention of both the Ontario Building Code and the Occupation Health and Safety Act.



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To make the building habitable, a complete reconstruction is necessary, starting with excavation and progressing through foundations, above-grade framing, and finishes. Excavation is required to facilitate foundation repairs and the preparation for a new slab on grade. The foundations need to be entirely rebuilt, including new footings, foundation walls, and a new slab on grade, all adhering to the Ontario Building Code (OBC) requirements. Above-grade framing will involve constructing new exterior walls, lintels, and solid load bearing brick, along with an engineered floor joist system for both the ground and second floors. The roof will need to be reconstructed with new trusses, sheathing, and shingles. Finally, the finishes must be redone to include new insulation, vapor barriers, drywall, painting, and all other finishing touches in accordance with OBC standards. Overall the repairs needed to make the house habitable are extensive.

In addition, based on the structural condition identified in this report, the dwelling must be fully shored and braced to withstand the centrifugal forces should a relocation be contemplated. There are additional safety concerns with the east chimney, north central chimney, exterior solid load bearing brick interlocking, and floor joists. The east chimney is projecting out and lacks lateral interconnection, with deteriorated grout increasing the risk of detachment. The north central chimney is tied to the structure, making it unstable under vibrational and centrifugal forces during transport. The exterior solid brick has cold joints from additions to the structure, providing no lateral stability and likely to detach during movement. Floor joists have been compromised by modifications and termite infestation, reducing their structural capability. Transporting the structure poses significant health and safety hazards to the public. The reconstruction and repair required to make it safe for transportation would be costly and may not eliminate all risks to the structure, and is therefore, not recommended.

Based on our findings we are of the opinion that this building is not habitable. The building does not meet the minimum acceptable standards for public health and public safety, structural sufficiency, environmental integrity and energy conservation. We recommend demolition of 1151 Weston Road, City of Vaughan.

We further conclude that the non-compliance with the Ontario Building Codes, and the Ontario Occupational Health and Safety Acts overrides any historical and cultural value that this dwelling is said to contain. We recommend, that this house undergo demolition because of its inhabitable condition.



## **BUILDING CONDITION ASSESSMENT**

**11151 Weston Road**

**Woodbridge, Ontario**

### **1.0 INTRODUCTION**

#### **1.1 Terms of References**

Soscia Engineering Ltd. was authorized by Mr. Bartos of Saberwood Homes, to conduct a building condition survey of the building and property located at 11151 Weston Road. Soscia Professional Engineers personnel were to carry out a visual walk-through survey of the building and property to review various elements and services of the building. The purpose of the building survey was to determine whether the existing dwelling is structurally stable and whether the dwelling is suitable for habitation.

#### **1.2 Scope of Work**

Our scope of work was to include visual assessment and review of:

- Review of the roof and building envelope (visual only),
- Review of the building structural components,

The work was to be conducted in accordance with Soscia Professional Engineers verbal agreement with Mr. Bartos. The objective of the survey was to review the condition of the various building elements and components to assess their present condition in reference to compliance with the latest edition of the Ontario Building Code and Occupation Health and Safety Act.



### **1.3 Brief Description of Building**

The building at 11151 Weston Road is a 2-storey structure and appears to have been abandoned for many years. The structure is a wood framed building with wood floor joist, wood planking and conventional wood framed roof members. The exterior walls are load bearing. The structure has undergone a fire in the course of its lifetime with the residual damage unknown.

The exterior walls are a face sealed envelope assembly and does not provide the required resistance for vapour diffusion, does not provide the necessary resistance to air transfer nor provide the required resistance to heat transfer.

The building utilities have been decommissioned.

## **2.0 METHODOLOGY**

The survey of the building components was carried out on May 5<sup>th</sup>, 2024. Soscia Engineering Ltd. personnel were on-site to review the components outlined in the Scope of Work (report Section 1.2). Access was provided throughout the building. Our general approach to the project consisted of the following:

- Discussions with the client.
- Visual examination of accessible components.
- Preparation of a report summarizing our findings.

The observations of exterior cladding and structural framing were made from floor level by unaided visual observation. The visual review was conducted to evaluate each item specified in the report format outline, in an effort to determine obvious areas of concern with respect to the general characteristics of the building.

The Structural Assessment in part 3 will be broken down into the following:

- Exterior
- Roof
- Basement
- Ground Floor



- Second Floor

For each observation item under review (listed above), the report describes:

- Description,
- observations of existing conditions
- Compliance with OBC and OHSA of Ontario.

Representative photographs were taken of typical deficiencies.

## 3.0 STRUCTURAL ASESSEMENT

### 3.1 Exterior

#### 3.1.1 Description

The exterior of the building is of a solid load bearing brick façade with interior stud walls. The foundation walls are of stone and porches located at the west, south and east are propped up on masonry block which appears to have been added some years after the building was built.

#### 3.1.2 Observations

The solid load bearing brick façade is crumbling in certain areas at high stress points i.e. window openings. There appears to be no steel lintels to support the window openings which may explain the cracking and crumbling of brick due to inadequate support. The cracking occurs at a 45-degree angle in many locations indicating shear failure of the solid load bearing brick walls at those locations **(Figure. 2)**.

Foundation walls made of stone and protruding above ground level are falling apart in multiple locations. The stones are visibly detached from the structure and can be picked up by hand **(Figure. 3)**. The stone wall has gaps which allows for elements from the outside to penetrate through to the basement i.e. water, air, snow and ice. As reported later, a foot to three feet of water has flooded the entirety of the basement.

The basement walkout condition does not any reinforcements and is subjected to lateral earth forces that exceed the requirements of the OBC part 9 **(Figure. 4)**. This

condition is coupled with stone decay and segments of the wall coming apart where the structural integrity is further jeopardized.

Exterior south wall (**Figure. 5**) is not plumb and is swaying northwards. The slanted wall appears to be tilted more significantly than the remaining walls. This could mean local failure of the body diaphragm i.e. rotted plywood to transmit lateral loading of wind to the lateral resisting systems i.e. shear walls. This could also mean inadequacy of the connections local to that wall disrupting the load path and allowing for displacement. Another possibility is the structure is experiencing differential settlement of the soil due to inadequate bearing of the foundation.

Roof shingles are missing and damaged. There appears to be local rupture with holes in the roof allowing for water entry into the house (**Figure. 6**).

There are two chimneys, with the chimney located on the east side of the structure is slightly leaning towards the house and has lost a significant amount of grout between the solid load bearing bricks allowing for penetration and reducing the bearing support capacity of the chimney (**Figure. 7**).

### 3.1.3 Compliance

The building is not plumb and appears to be slightly leaning in towards itself with the south wall being the most prominent in its lean. Exterior solid load bearing brick façade shows large diagonal cracks and no evidence of a lintel support for the brick. Structural deformation (crushing of the bricks) allows for penetration into the home at each level. Foundation walls above grade are crumbling with stones that can be removed by hand. Gaps in the stone foundation wall allows for major water penetration, freezing and thawing.

In general, the exterior of the structure is in a very poor condition and is in **non compliance** of both the Ontario Building Code and the Occupational Health and Safety Act of Ontario.

## 3.2 Roof

### 3.2.1 Description

The roof is conventionally framed with a single-ply ridge beam and ceiling ties spaced at approximately 2 foot on centre. There is a low roof on the north-east side and an additional roof added on later on the south side of the building.

### 3.2.2 Observations

Exterior roof has shingles are missing and there are gaps in the roof allowing for water penetration.

Interior roof rafters, ceiling ties and sheathing is discoloured and shows sign of moisture, condensation and water leakage (**Figure. 8**). Evidence of leaking and mold is shown in the insulation which has changed colours from pink to black/brown. Recent renovation of the ceiling gypsum has sections of the ceiling collapsing (**Figure. 9**). It appears the additional weight of the water leakage being absorbed by the insulation caused the gypsum ceiling caused the fairly new ceiling to collapse (**Figure. 10**).

### 3.2.3 Compliance

Water leakage of the roof is apparent with the condensation and discolouring of the rafters, ceiling joists, sheathing and insulation. The molding of the insulation leads to toxic indoor air pollution and the additional weight of the water being absorbed by the insulation contributes to unsafe breathing conditions and structural stability of the ceiling. Further to this, the additional loading of water being absorbed by the insulation adds to larger lateral forces in an event of an earthquake and additional uncounted weight being loaded to load bearing studs and foundation.

In general, the exterior of the structure is in a very poor condition and is in **non compliance** of both the Ontario Building Code and the Occupational Health and Safety Act of Ontario.

## 3.3 Basement

### 3.3.1 Description

The basement is approximately 8 foot in height with stone exterior walls. Floor joists are encased in stone in some areas and ledger boards in others. The basement is flooded with 1to2 feet of water and moldy (**Figure. 11**).

### 3.3.2 Observations

Basement shows signs of major water penetration with 1to2 foot of water at the time of inspection. Gaps located at the foundation wall where stones have been dislodged and upheaving of the basement slab is allowing for rain water and ground water to penetrate through the basement.

Loadbearing walls have large openings that were made after the house was built for mechanical ducts. These openings range from 36 inches to 52 inches. The openings are made onto load bearing walls, disrupting the load paths. One of the load bearing walls located on the east wall of the basement has an opening of 36 inches and carries floor joists measuring 16.4 feet. The eastern load bearing wall running north and south has a 52-inch opening and carries load bearing exterior wall (**Figure. 12**). Load bearing walls also have loose stones due to the construction of openings for mechanical units.

Portions of the basement wall has large enough gaps to see through to the exterior (**Figure. 13**).

### **3.3.3 Compliance**

The basement flooding through slab on grade and foundation walls contributes to the structural instability. Freezing and thawing of the water will further weaken the structure and may contribute to a fatal collapse. Load bearing walls with large openings are not structurally adequate to carry the loads.

In general, the basement of the structure is in a very poor condition and is in **non compliance** of both the Ontario Building Code and the Occupational Health and Safety Act of Ontario.

## **3.4 Ground Floor**

### **3.4.1 Description**

The ground floor bears on a conventional floor system with true dimensional lumber measuring 2x10 floor joists with sheathing on top.

### **3.4.2 Observations**

Upon entry, a moldy smell is apparent and floor is uneven throughout the ground floor. Mold is systematic throughout on the floor, ceiling and walls (**Figure. 14**).

Small droppings are found everywhere from possible infestation or rodents. Bugs are found throughout the ground floor (**Figure. 15**).

### **3.4.3 Compliance**

The unevenness of the floor suggests deflection of the floor joists and does not meet the OBC deflection standards of L/360. Droppings indicate a possible rodent

infestation. Bugs are systematically throughout the ground floor. Structural deficiency may be a result of rodents (chewing through structural members) or bugs (termites). It is suggested for a certified third-party to investigate for rodent and termite infestation due to suggestive evidence at hand. Musty conditions due to water leakage also weakens the structural integrity of the building and is not safe for breathing.

In general, the ground floor of the structure is in a poor condition and is in **non compliance** of both the Ontario Building Code and the Occupational Health and Safety Act of Ontario.

## 3.5 Second Floor

### 3.5.1 Description

The second floor has a stairway on the eastern side and is conventionally supported by stud walls and floor joists.

### 3.5.2 Observations

The second floor is uneven similar to second floor. In-addition the ceiling gypsum has collapsed in multiple locations. There is mold throughout the second floor on the walls, roof insulation, floors and walls (**Figure. 16**). Droppings and bug infestation is evident.

### 3.5.3 Compliance

The unevenness of the floor suggests deflection of the floor joists and does not meet the OBC deflection standards of L/360. Droppings indicate a possible rodent infestation. Bugs are systematically throughout the ground floor. Structural deficiency may be a result of rodents (chewing through structural members) or bugs (termites). It is suggested for a certified third-party to investigate for rodent and termite infestation due to suggestive evidence at hand. Musty conditions due to water leakage also weakens the structural integrity of the building and is not safe for breathing.

In general, the ground floor of the structure is in a poor condition and is in **non compliance** of both the Ontario Building Code and the Occupational Health and Safety Act of Ontario.

### 3.6 Extent of Repairs

We are in the opinion that, to make the building habitable, the dwelling will need to be reconstructed. The order of reconstruction starts with the excavation, foundations, above grade framing and finishes.

- **Excavation:** Excavation is necessary to facilitate foundation repair work of a new slab on grade and preparation work for foundations.
- **Foundations:** The foundations need to be completely reconstructed which includes new footings, foundation walls and new slab on grade. All foundations are to adhere to the requirements of the OBC.
- **Above-Grade Framing:** The above-grade framing will require new exterior walls, lintels, and load bearing solid brick. A new engineered floor joist system for ground and second floor. The roof will be required to be reconstructed with new trusses, sheathing and shingles.
- **Finishes:** The finishes must be reconstructed to include new insulation, vapour barriers, drywall, painting and finishing, all in accordance with the OBC requirements.

### 3.7 House Lift Condition for Transportation

Based on the structural condition as identified on this report, we are in the opinion that the dwelling would have to be shored and braced in its totality. This is necessary to withstand the centrifugal forces that will be applied to the structure during transportation.

Additional safety concerns are of the east chimney, north central chimney, exterior solid brick interlocking to existing structure and floor joists.

- **East Chimney:** The east chimney is projecting out of the structure and with lack of lateral interconnection with structure and deterioration of grout between bricks enhancing the likelihood of detaching from the structure (**Figure. 17**).
- **North Central Chimney:** The north central chimney appears to be tied to the structure of the building where the attachments of floors and roof to the chimney



make it unstable when introduced to vibrational forces when lifting and transporting combined with centrifugal forces (**Figure. 18**).

- **Exterior Solid Load Bearing Brick Interlocking:** An addition of front porch with roof rafters has been built adjacent to the primary structure with a cold joint, meaning there is no interlocking of bricks between the addition and primary structure. The north side also has an addition with cold joints (**Figure. 19**). These cold joints do not provide lateral stability and will likely detach when the structure is moved.
- **Floor Joists:** The floor joists have been cut, modified and drilled into for mechanical works reducing the structural capability of the floor system in-terms (**Figure. 20**). Floor joists appear to have been infested with termite as seen in some locations at the bottom of joist (**Figure. 21**). Termite infestation compromises all wooden elements in the structure, making it unsuitable for uplifting and transportation.

Transportation of the structure possess a hazard to the health and safety of the public. The extent of reconstruction and repair to bring the structure to a safe standard for transportation would be costly and may still pose a safety issue to the public.

#### 4. Conclusion

The building structure at 11151 Weston Road does not provide an adequate envelope that meets OBC and OSHA standards. Due to the rampant water leakage, the structure is subject to molding and condensation throughout with 1 to 2 feet of water in the basement. The water damage contributes to the sagging of floors, ceilings and exterior walls.

The structure contains many structural unsafe conditions. The structure does not comply with the structural requirements of the Ontario Code. We are of the firm opinion that this structure is unsafe and not habitable.

The building envelope at 11151 Weston Road does not provide the protection necessary to prevent the development of mould, rot and corrosion, all of which are detrimental to an individual's health and is in strict contravention of both the Ontario Building Code and the Occupation Health and Safety Act. On this basis we conclude that the building is also not habitable.



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The dwelling is not suitable for transportation.

We further conclude that the non-compliance with the Ontario Building Codes, and the Ontario Occupational Health and Safety Acts overrides any historical and cultural value that this dwelling is said to contain. We recommend, that this house undergo demolition because of its inhabitable condition.

If you have any questions, please do not hesitate to contact us.

Regards  
Yours truly,

Harold Hunter, B. Eng, EIT  
SOSCIA Professional Engineers Inc.

Reviewed by:  
Sandro Soscia, P. Eng.  
SOSCIA Professional Engineers Inc.



## Appendix



**Figure 1:** Evidence of Fire Damage impacting a ledger board carrying joists along basement foundation wall



**Figure 2:** Diagonal cracking at high stress points (windows)



**Figure 3:** Load bearing foundation wall stones falling apart creating unsafe structural conditions and subject's basement to water leakage.





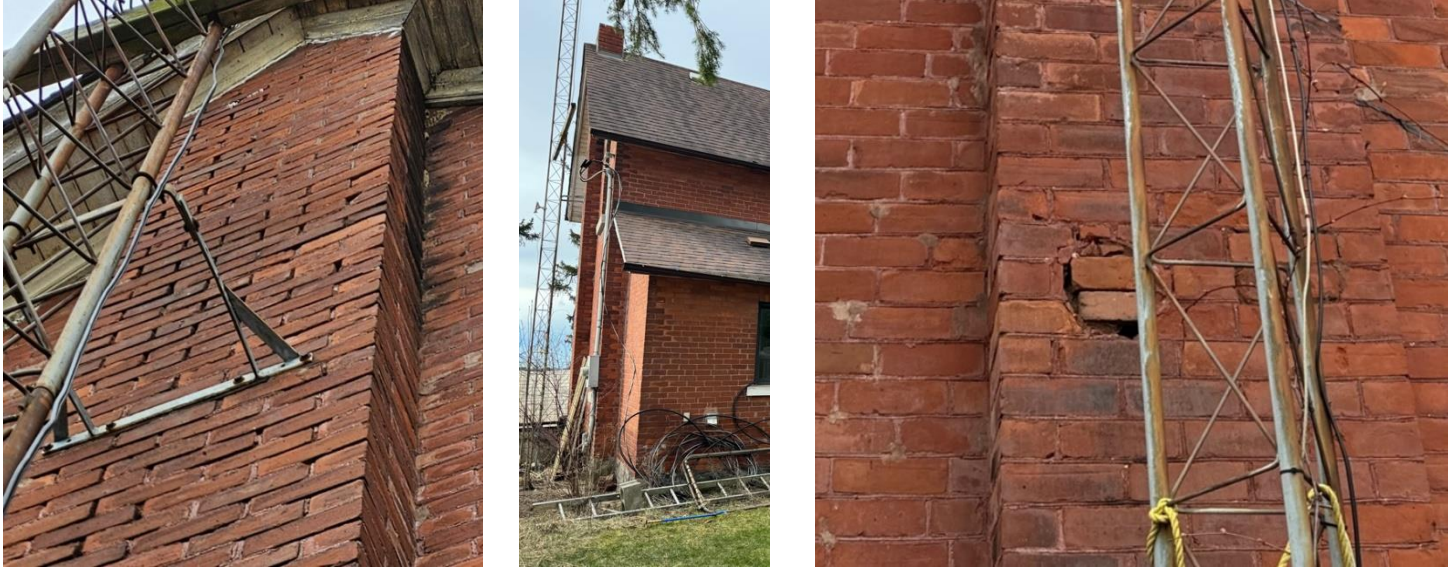
**Figure 4:** Walkout basement unreinforced wall subjected to lateral soil loading with soil beneath the slab addition on the south east corner of structure



**Figure 5:** Left most walls are not vertically plumb and is leaning in towards itself



**Figure 6:** Roof shingles missing areas experiencing local rupturing



**Figure 7:** Chimney grouting between bricks eroded away with chimneys appearing to lean in-towards itself.



**Figure 8:** Roof sheathing appear wet and discoloured due to water penetration (left) ceiling joist and bridging member is discoloured due to water exposure (right)





**Figure 9:** Discolouring of insulation from pink to brownish yellow and molding



**Figure 10:** Ceiling collapsed due to possible excessive water wait from roof leakage.





**Figure. 11:** Basement water leakage 1 to 2 feet high upon inspection.



**Figure. 12:** Load bearing walls with large openings and is structurally unsafe with exterior load bearing walls and joists spanning up to 16.5 feet bearing on walls.



**Figure 13:** Gaps through to exterior in basement walls



**Figure. 14:** Mold in vents, walls and ceiling throughout ground floor.



**Figure. 15:** Droppings and bug infestation on ground floor.



**Figure. 16:** Water damage/mold on the second-floor ceiling with fairly recent ceiling gypsum due to water leakage from roof.



**Figure. 17:** East Chimney projected chimney with lack of interlocking and grouting to primary structure.





**Figure 18:** North Central Chimney appears to be connected to roof, second and ground floor.



**Figure 19:** Addition of north exterior solid brick walls with cold joint connections to primary structure (left two photos). Addition of exterior walls at the south with cold joint connections to primary structure (right two photos).



**Figure 20:** Floor joists cut, drilled and modified for mechanical works



**Figure 21:** Bottom of floor joists appear to have termite markings.

May 29, 2024

Nick R. Borcescu, Senior Heritage Planner  
City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan, ON, L6A 1T1

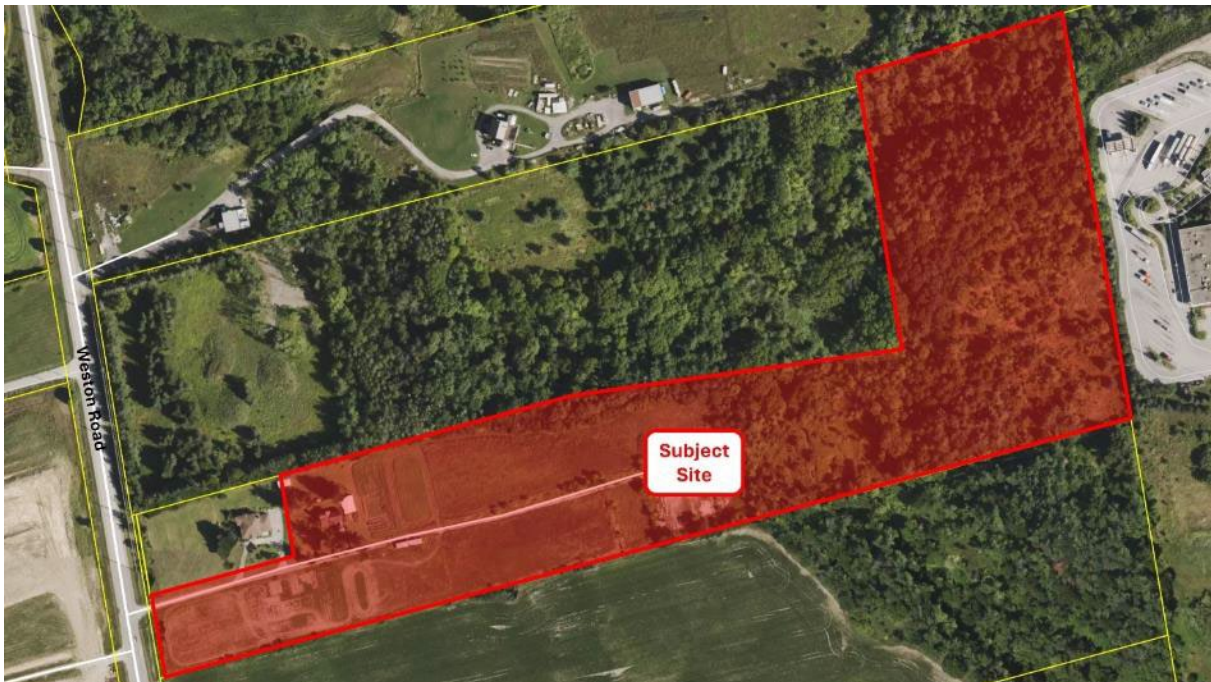
Via E-mail: [nick.borcescu@vaughan.ca](mailto:nick.borcescu@vaughan.ca)

Dear Mr. Borcescu,

RE: Response to Evaluation, Proposed Designation, and Recommendations on Same  
11151 Weston Road, Vaughan, Ontario (PIN 033450136)

As you know, The Biglieri Group Ltd. ("TBG") represents RF-2 Corp, care of Peter Bartos, the owner of a parcel municipally addressed as 11151 Weston Road in Vaughan – PIN 033450136 – ("subject site"). A map of the subject site is provided below in shown highlighted in red.

*Figure 1 - RF-2 Corp Lands*



PLANNING | DEVELOPMENT | PROJECT MANAGEMENT | URBAN DESIGN

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## Background

According to the City's Heritage Vaughan Committee Report dated November 22, 2023, the site at 11151 Weston Road was added to the Listing of Significant Heritage Structures in 2005 due to its potential cultural heritage value. For this letter, the City's November 22, 2023, Heritage Vaughan Committee Report will be referred to as the City's Cultural Heritage Evaluation Report ("City CHER").

The City CHER determined that the site met five of the criteria for cultural heritage value or interest under O. Reg 9/06 of the Ontario Heritage Act, though only two criteria are needed for designation consideration. The Heritage Vaughan Committee endorsed the City CHER and recommended the site's designation as a heritage property under Part IV, Section 29 of the Ontario Heritage Act. Consequently, a Notice of Intention to Designate was sent to the owner dated March 13, 2024.

In early April 2024, RF-2 Corp retained TBG, for independent professional heritage advice regarding the proposed designation. On April 5, 2024, we requested a copy of the City CHER and its attachments, which included maps, statements of cultural heritage value, information pages, aerial photos, building photos, and a lodge registry.

On April 12, 2024, RF-2 Corp filed a formal Notice of Objection to the City's Notice of Intent to Designate. On April 23, 2024, we contacted City staff to discuss our initial concerns about the City CHER and its evaluation under O. Reg 9/06.

Of initial concern was how the City CHER used images taken from the public right-of-way since the previous owners had not granted site access. On April 29, 2024, we had a virtual meeting with City heritage staff to discuss the objection, our feedback, and the property's structural condition. The owner offered to hire a structural engineer for a comprehensive assessment. A site visit occurred on May 3, 2024, with City heritage staff, a City Building/Plumbing Inspector, and the TBG team. City staff did not enter the basement due to safety concerns related to flooding.

After the visit, the owner hired SOSCIA Professional Engineers Inc. to conduct a structural assessment. SOSCIA's report was completed and shared with City heritage staff on May 28, 2024.

We appreciate City heritage staff for their open dialogue and cooperation throughout this process, allowing us and the owners to gather the necessary materials to inform the final decision on the site's designation.

## Subject Site

The subject site is a large irregular-shaped parcel situated on the east side of Weston Road, bordered by Mattucci Crescent to the south, Kirby Road to the north, and Highway 400 to the west. Originally part of a larger farm parcel, the current parcel spans about 10.8 hectares (26.8 acres) and is legally described as: *PCL 28-1 SEC V5; Part of Lots 28 and 29 Concession 5 (VGN), Part 1 on Reference Plan 65R-6652 Except Parts 1, 2, 3, 4, 5, 6, 8 and 9 on Reference Plan 65R-7682, and Parts 1 and 2 Reference Plan 65R-10833; Vaughan.*

The majority of the site is undeveloped, except for a 2-storey red brick residence located towards the western end and a semi-permanent Quonset / Nissen Hut beside it, both accessible via a long linear driveway that extends eastward to a gravel leveled area. The Quonset / Nissen Hut is a contemporary structure, likely used as a drive shed, and is not part of the heritage evaluation.

The residence presents a 'T-shaped' footprint with a mostly field stone foundation. Originally, the main entrance would have likely been on the west side, evident from the presence of a prominent front porch, porch roof, and doorway facing the street. However, alterations have shifted the main entrance to the east side. The house features a multi-pitched gabled roof with steeply peaked dormers on the west and south facades, along with a bump out to the south with large rectangular window openings and a mildly pitched mansard roof. The roof is clad with brown asphalt shingles. The east facade has a functioning entrance via a small concrete stoop and a central brick chimney. Additionally, there are small brick additions on the south and north facades, each with single-pitched roofs, serving as coops for poultry.

#### Field Notes on Condition of Residence

- According to the current owner, the residence has been vacant for more than 20 years.
- The outside of the residence shows signs of both mild and moderate damage, including:
  - o Eavestrough sag and detachment;
  - o Shingle damage and lack of shingles;
  - o Evidence of brick replacement non-matching to original in both colour and bonding;
  - o Brick and mortar damage both around brick in mortar and through brick, resulting in brick cracks, deterioration, and spalling;
  - o Weathering; and
  - o Animal entry.
- The residence has been converted into a coop and run for chickens, turkeys, and quails, and these animals have access inside of the house and outside within a fenced in run.
- The residence has been altered from its original condition, including:
  - o Ostensibly reconfiguring the interior floor plan, which included relocating the primary entrance from the west façade to the south façade, and then again to its current location at the rear (east) façade;
  - o Re-building the west facing porch structure with concrete block;
  - o Introduction of contemporary window inserts circa 1985 (as per the aluminum spacer);
  - o The upper stairs has been unitized for a separate living quarter; and
  - o Mounted appurtenances to exterior for modern comforts such as a television antenna, satellite dish.
- The interior of the residence is, in our opinion, in very poor condition, and includes severe damage, including:
  - o Animal entry and feces;
  - o Collapsing ceilings and drywall damage;
  - o Mold and mildew damage and smell;
  - o Sagging and bouncy floors;

- Water damage;
- Some evidence of fire damage;
- Flooded basement;
- Retro-fit HVAC system which cuts ductwork through a load bearing brick wall in the basement; and
- Bowing walls in the basement.

Images of the residence are provided below for visual reference.

*West (Front) Façade*



*South (Side) Façade*



*East (Rear) Façade*



*North (Side) Façade*





*Chicken, Turkey, and Quail Run and Coop*



*Chickens on Front Porch (West Façade)*





*Kitchen Area*



*Old Stove*



*Central Hallway*



*Bathroom*





*View to North Chicken Run*



*Drywall Damage*



*Mold, Drywall, and Animal Feces Damage*



*Upstairs Unit*



*Basement Staircase (Damaged)**Flooded Basement**HVAC Cut through Load Bearing Wall**Bowing Wall (Parged with Concrete)*

### Summary of Structural Assessment

SOSCIA Professional Engineers Inc. visited the subject site to determine the structural stability and habitability of the residence, the extent of repairs required to make the residence habitable, and a determination of whether the residence can be relocated. Their study included a visual inspection of building components and current conditions, without destructive testing. The assessment was based on the Ontario Building Code ("OBC") and the Occupational Health and Safety Act ("OHSA").

They found that the residence sits on a stone foundation wall, having suffered from years of neglect. Water infiltration over eight years has significantly damaged the structure and roof. A fire that occurred approximately thirty years ago has left visible damage on some basement wood framing. They found that the building's load-bearing walls consist of stone in the basement and stud exterior walls above grade. The exterior façade shows brick damage at high-stress points, with stone making up the foundation wall. Both the ground and second floors are significantly out of level and pose a structural hazard. The roof rafters rest on the exterior walls.

According to SOS CIA, due to extensive deterioration, the building does not meet the structural requirements defined in the OBC and cannot withstand centrifugal forces during transportation, posing a public safety hazard. The exterior walls, lacking proper vapor, air, and thermal barriers, have deteriorated, leading to mold, rot, and corrosion, which are health hazards and violate both the Ontario Building Code and the Occupational Health and Safety Act.

According to SOS CIA, making the building habitable requires complete reconstruction, starting with excavation and foundation repairs, followed by rebuilding exterior walls, lintels, load-bearing brick, and an engineered floor joist system for both floors. They also found that the roof needs new trusses, sheathing, and shingles. Interior finishes would need to include new insulation, vapor barriers, drywall, and painting, all adhering to OBC standards.

Additionally, due to structural issues, the building would need to be fully shored and braced if relocation is considered. Safety concerns include the unstable east chimney, north central chimney, exterior brick interlocking, and compromised floor joists. Overall, SOS CIA found that relocating the structure poses significant risks and was not recommended.

In conclusion, SOS CIA found that the residence is not habitable, failing to meet standards for public health, safety, structural integrity, environmental integrity, and energy conservation. Accordingly, they are recommending the demolition of the residence, and in their opinion, the non-compliance with the OBC and OHSA overrides any historical and cultural value, justifying demolition due to the building's uninhabitable condition.

## **Discussion on Applicable Legislation and Integrity**

### Applicable Legislation

The Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "OHA"), is provincial legislation that sets out the ground rules specifically for the protection of heritage properties and archaeological sites in Ontario. The Heritage Act came into force in 1975, and has been amended several times, including in 2005 to strengthen and improve heritage protections in Ontario, amended again in recent years through Bill 108 in July 2021, in November 2022 through Bill 23, and in December 2023 through Bill 139. It is again proposed to be amended through recently released provincial legislation through Schedule 2 of the Proposed Homeowner Protection Act, 2024.

Under the Heritage Act, O. Reg. 9/06 sets out the criteria for determining cultural heritage value or interest for properties that may be designated under Section 29 of the Heritage Act, which were amended following Bill 23 through O. Reg. 569/22.



Bill 23 received Royal Assent on November 28, 2022, and has now been enacted as Chapter 21 of the Statutes of Ontario, 2022.

Under Bill 23, “listing” a property on the Register requires that they meet one or more of the prescribed criteria set out in O. Reg. 9/06 (Criteria for Determining Cultural Heritage Value or Interest) under the Heritage Act. Furthermore, to “designate” a property under Part IV of the Heritage Act (i.e., an individual designation), properties must now meet two or more of the nine prescribed criteria set out in O. Reg. 9/06. These criteria are as follows:

1. *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.*
2. *The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
3. *The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*
4. *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.*
5. *The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining, or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.*
9. *The property has contextual value because it is a landmark.*

The Ontario Heritage Tool Kit (“OHTK”) is a series of guides designed to help understand the heritage conservation process in Ontario, and takes the criteria and evaluation process a little further. The OHTK guides explain the steps to undertake the identification and conservation of heritage properties using the Ontario Heritage Act. They also describe roles community members can play in municipal heritage conservation, as participants on municipal heritage committees, or through local research conducted by groups with an understanding of heritage.

Following recent amendments to the Heritage Act, the OHTK was updated to assist users understand the changes. Some changes to the Heritage Act came into effect as O. Reg. 385/21

on July 1, 2021, but the OHTK drafts dated May 2021 were never finalized. Notwithstanding, the May 2021 draft of the OHTK are still posted on the Environmental Registry of Ontario (ERO # 019-2770), and as such, are helpful in understanding the revisions being considered by the Province.

The original OHTK consist of five documents. The documents entitled “Heritage Property Evaluation,” and “Designating Heritage Properties” being the most applicable to this letter. The “Heritage Property Evaluation” document is a guide to listing, researching, and evaluating cultural heritage properties. The “Designating Heritage Properties” document is a guide to municipal designation of individual properties under the Ontario Heritage Act.

Under the Heritage Act, O. Reg. 9/06 sets out the criteria for determining cultural heritage value or interest. Under O. Reg 9/06, a property may be designated under Section 29 of the Heritage Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest. However, O. Reg 9/06 does not consider matters that relate to the heritage integrity of building or structures.

In this regard, Section 5.3 of the OHTK document “Heritage Property Evaluation” provides that a heritage property does not need to be in original condition, since few survive without alterations between their date of origin and today. Integrity then, becomes a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property.

Accordingly, buildings that have been irreversibly altered without consideration for design, may not be worthy of long-term protection. When surviving features no longer represent the design, the integrity has been lost. Similarly, removal of historically significant materials, or extensive reworking of the original craftsmanship, warrants an assessment of integrity. If a building has an association with a prominent owner, or if a celebrated event took place there, it may hold cultural heritage value or interest, but the challenge comes with defining the specific type of association.

Cultural heritage value or interest may also be intertwined with location or an association with another structure or environment. If these have been removed, the integrity of the property may be seriously diminished. As well, cultural heritage value or interest can be found in the evolution of a heritage property, as much can be learned about social, economic, technological, and other trends over time. The challenge again, is being able to differentiate between alterations that are part of an historic evolution, and those that are expedient and offer no informational value.

Section 5 of the May 2021 Draft OHTK document “Designating Heritage Properties” provides draft guidance on conserving the heritage value of a designated property. While the subject site is not a designated property under the Heritage Act, the guidance provided in this section is still helpful, as it speaks to matters regarding the loss of heritage integrity.

Accordingly, if a property is noted as being important for its architectural design or original details, and that design has been irreparably changed, it loses its heritage value and its integrity. Likewise, if a property is designated for its association with a significant person or



event, but the physical evidence from that period has disappeared, the property's cultural heritage value is diminished. For example:

*What a difference it makes to see the symbols and hideaway places associated with the Underground Railroad in a building, compared with only the ability to say, "this happened here."*

As well, the same consideration applies to contextual qualities. A building, structure or other feature that has lost its context, has lost an important part of its heritage value.

#### Discussion on Integrity

In our opinion, the heritage integrity of the residence has been lost. Given the alterations, extensive damage, and changes to the residence over the years, along with the concluded loss of structural integrity, the surviving physical features do not, in our opinion, present a structure worthy of long-term protection. The work required to repair and revitalize the residence is extensive and nearly a complete rebuild to make the building habitable. Relocating the structure is not recommended by the structural engineer without extensive preparation, and even then, poses serious risk of destruction due to centrifugal forces during transportation.

#### **Review and Response to City CHER**

According to the City CHER, staff are of the opinion that the residence on the subject site has met five of the nine prescribed criteria under O. Reg 9/06 related to design or physical value, historical or associative value, and contextual value. Accordingly, the Statement of Significance prepared by staff (included as Attachment 2 to the City CHER), provides the following.

#### Design or Physical Value

*The property at 11151 Weston Road is built in the Victorian Style. The notion of Victorian style developed during the reign of Queen Victoria, and within Canada there are variations on this style. Victorian buildings were built between 1840 and 1900 in Ontario, and could be constructed using brick, stone, or timber. The style is also known to incorporate Classical and Gothic motifs. The subject property is made of red brick, and the roof is red brown. The elevations facing the driveway and Weston Road have undecorated gables which contain rectangular windows. The elevation facing Weston Road appears to have a porch with posts with intricate detailing and has been painted white. The east facing elevation has a brick chimney with two rectangular windows located on either side, on the second floor of the building.*

#### Historical or Associative Value

*While maps have indicated that the subject property has had various owners, they each have been involved in the Vaughan community. A structure appears on the 1878 map, at which time Neil Malloy Senior is shown to be the owner of the property. He is listed as one of the trustees for St. Andrew's Presbyterian Church in Maple, and the Bryson School. A map from 1918 indicates the owner of the lot was N.W Malloy (Neil William Malloy). He was a member of the Vaughan Lodge no. 54 G.R.C in Maple. The community participation of each owner allows for an understanding about how people within Vaughan lived during*

*this time-period and gives insight into what was deemed valuable based upon their activities and involvement.*

*While the lot has had various owners, they each have been involved in the Vaughan community in some way. Their community participation allows for an understanding about how people within Vaughan lived during this time period, and what was deemed valuable based upon their activities and involvement. The subject property is located on Lot 28, Concession 5 and has had several owners. The structure is located on the west side of the property, and an 1860 map indicates that the lot owner at that time was James McNair (d. 1884). He was born in Paisley, Scotland and would later marry Margaret Clark Scott. Together they had 8 children: Robert, James, Agnes, Janet, William, Margaret, George, and John. James McNair was active in community events. A York Herald article from 1861 includes his involvement in the Vaughan Fall Fair. The event was described as the best Show ever held in Vaughan, with over 600 entries. The types of entries included Horses, Durham Cattle, Galloway Cattle, Grade Cattle, Leister Sheep, Southdown Sheep, Swine, Dairy produce. James McNair appears to have entered in two categories, Leicester sheep and swine. In the category of Leicester sheep, he was entered in the Ram Lamb section and came in first. In the swine category, he was entered in the section of small sow and came in second. Regarding fairs, A History of Vaughan Township discusses that while an element of their purpose was for the markets, they were also valuable for the contributions that were made in the improvement of livestock, and strains of grains. An 1871 article from the York Herald also has James McNair listed as a Road Commissioner for the 1st District.*

*The Tremaine 1878 map indicates Neil Malloy Senior as lot owner. While the construction date for the building at 11151 Weston Road is unknown, there is a structure that appears on the map at this time. Neil Malloy was an active member of the community. He is listed as one of the trustees for St. Andrew's Presbyterian Church in Maple, and the Bryson School, which was also known S.S No. 10. From the contributions made to school and the church, it could be understood he was interested in the development of Vaughan and its communities.*

*A map from 1918 indicates the owner of the lot was N.W Malloy. He was a member of the Vaughan Lodge no. 54 G.R.C in Maple, and his name appears in a 1909 lodge meeting book. In 1854, The lodge was organized by a group of men from around Nobleville (Maple's name at the time). While they were denied their local charter from the Grand Lodge of England, they were granted the charter from the Grand Lodge of Ireland and received the number 236. When the Grand Lodge of Upper Canada was developed in 1856, the Vaughan Lodge received the charter number 54.*

### Contextual Value

*The contextual value of the home relates to the building's historical link and physical location on the property. With the placement of the house near the end of a long driveway, it reflects the traces of the farming economy during the 19th and early 20th century farm cultural landscape. Whilst there is a residential community south towards Teston Road, the property generally remains surrounded by agricultural fields and other rural residential properties. The property holds contextual value as it is a longstanding feature and is historically linked to its surroundings within the community. This building reflects the hard*

*work of its farming owners in Vaughan, as it historically represents a way of life during that time period. It is here that the merit of the house lies just as much as in the architectural value.*

Response to Staff Evaluation Under O. Reg 9/06

The following provides a response to staff’s evaluation of the subject site against the prescribed criteria in O. Reg 9.06 and is based on the available historical research provided by City staff in their November 22, 2023, Heritage Vaughan Committee Report. City staff evaluations are summarized in black, with TBG’s responses provided in green where applicable.

Criteria	Staff Response
<p>1. 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.</p>	<p>Yes. Victorian. The style is also known to incorporate Classical and Gothic motifs. Red brick, and the roof is red brown. The building has undecorated gables which contain rectangular windows. The elevation facing Weston Road appears to have a porch with posts with intricate detailing and has been painted white. The east facing elevation has a brick chimney with two rectangular windows located on either side, on the second floor of the building.</p> <p>The argument provided focuses primarily on describing the architectural style and features of the house, rather than demonstrating significant design and physical value, especially in light of its current disrepair and identified structural issues. In our opinion, the City CHER did not elaborate and support the following aspects:</p> <ul style="list-style-type: none"> <li>• Lack of assessment of current condition: The evaluation did not address the existing condition of the house or its structural issues. Without considering these factors, it is difficult to determine the true value of the design and physical aspects mentioned.</li> <li>• Absence of comparative analysis: There is no comparison made with other properties or architectural styles to highlight the unique, rare, or exceptional qualities of this particular house. Without such context, it is challenging to argue for its significant design and physical value.</li> <li>• Emphasis on superficial features: While the description details the architectural features of the house, such as the red brick and white-painted porch, it does not delve into how these elements contribute to the overall design integrity or functionality of the property.</li> <li>• Ignoring the vernacular nature of the house and its stylistic influences: The City CHER describes the house as a Victorian house with classical and gothic motifs. This effectively describes a vernacular farmhouse with stylistic influences and not a rare, early, or representative sample of a particular style.</li> </ul>

	<p>The term "Victorian homes" typically refers to residential structures built during the reign of Queen Victoria (1840-1900), which often exhibit specific architectural characteristics associated with that era, such as ornate details, asymmetrical facades, and steeply pitched roofs. However, if a house is described as a "Victorian home" but prominently features Gothic Revival or other classical architectural styles while lacking typical Victorian features, it creates an oxymoron. In this case, labeling a house as a "Victorian home" while incorporating architectural elements from different styles contradicts the typical characteristics associated with Victorian architecture. It presents a conflicting image, as the term "Victorian" evokes specific expectations that are not met by the actual features of the house. This mismatch between the descriptive label and the architectural reality creates an oxymoron.</p> <ul style="list-style-type: none"> <li>• Lack of evidence or supporting reasoning: The argument lacks evidence or reasoning to support the assertion that the house holds significant design and physical value. Mere description of its features without deeper analysis or justification does not strengthen the argument.</li> </ul> <p>In conclusion, while the description provides details about the architectural style and features of the house, it falls short in meeting the condition of significant design and physical value, especially considering the existing condition of disrepair and potential structural issues.</p> <p>In our opinion, this criterion has not been met, and the residence can be described as a vernacular farmhouse with Victorian and Gothic Revival stylistic influences.</p>
<p>2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.</p>	<p>Yes.</p> <p>No explanation.</p>
<p>3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.</p>	<p>No.</p>
<p>4. The property has historical value or associative value because it has direct associations with a</p>	<p>Yes. Various owners each have been involved in the Vaughan community. Neil William Malloy is shown to be the owner of the property. He is listed as one of the trustees for St. Andrew's Presbyterian Church in Maple, and the Bryson School. He was a</p>



<p>theme, event, belief, person, activity, organization, or institution that is significant to a community.</p>	<p>member of the Vaughan Lodge no. 54 G.R.C in Maple (Masonic Order).</p> <p>The argument provided attempts to establish the historical or associative value of the property by citing its ownership history and the involvement of past owners in community organizations. However, it falls short in several aspects:</p> <ul style="list-style-type: none"> <li>• Lack of significant historical events or figures: While the ownership history and community involvement of Neil William Malloy is mentioned, there is evidence that this individual was significant to the community (he was a member of the masonic order and his church). Being a trustee for a church and a school, or being a member of a local lodge, does not inherently confer historical value to the property itself. Being involved in the local church and / or school was common practice at the time.</li> <li>• Limited scope of community significance: The argument focuses solely on the involvement of past owners in local community organizations such as St. Andrew's Presbyterian Church and the Vaughan Lodge. While community involvement can contribute to the historical value of a property, it is crucial to demonstrate broader significance beyond individual or familial ties to specific organizations.</li> <li>• Absence of broader thematic connections: There is no mention of any broader themes, events, beliefs, or activities that are significant to the community and directly associated with property. Establishing such connections could strengthen the argument for historical or associative value.</li> <li>• Lack of depth in analysis: The argument provides a brief overview of the ownership history and community involvement of past owners but lacks deeper analysis or exploration of how these factors contribute to the property's historical or associative value. Merely listing ownership details and organizational affiliations without contextualizing their significance to the community is insufficient to fundamentally conclude on significance.</li> <li>• Missing contextualization: While the ownership history and community involvement of past owners are mentioned, there is no contextualization of how these factors relate to the broader historical context of the community or contribute to its identity. Without such context, it is challenging to establish a compelling argument for the property's historical value.</li> </ul> <p>In conclusion, while the argument attempts to establish the historical or associative value of the property based on ownership history and community involvement, it lacks significant historical events or figures directly associated with the property and fails to</p>
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	<p>demonstrate broader thematic connections or contextualization within the community's history.</p> <p>In our opinion, this criterion has not been fundamentally met.</p>
<p>5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.</p>	<p>Yes. The community participation of each owner allows for an understanding about how people within Vaughan lived during this time-period and gives insight into what was deemed valuable based upon their activities and involvement.</p> <p>The argument provided attempts to establish the historical or associative value of the property by suggesting that the community participation of each owner provides insight into the lifestyle and values of people within Vaughan during a specific time period. However, there is:</p> <ul style="list-style-type: none"> <li>• Lack of specific examples or evidence: The argument makes a broad assertion about the potential insight gained from the community participation of each owner but fails to provide specific examples or evidence to support this claim. Without concrete examples demonstrating how the activities and involvement of past owners contribute to an understanding of the community or culture, the argument lacks persuasiveness.</li> <li>• Absence of contextualization: While the argument mentions the community participation of each owner, it lacks contextualization within the broader historical or cultural context of Vaughan. Understanding how the activities and involvement of past owners relate to larger societal trends or events is essential for demonstrating the property's historical or associative value.</li> <li>• Limited scope of analysis: The argument focuses solely on the community participation of each owner without considering other potential sources of historical or cultural significance related to the property. It overlooks factors such as historical events, or cultural practices that may also contribute to an understanding of the community or culture.</li> <li>• Lack of depth in interpretation: Merely stating that the community participation of each owner provides insight into the lifestyle and values of people within Vaughan is superficial. The argument lacks depth in interpreting how specific activities or involvement reflect broader societal norms, cultural values, or historical developments within the community.</li> </ul> <p>In conclusion, while the argument suggests that the community participation of each owner contributes to an understanding of Vaughan's history or culture, it lacks specific examples, contextualization, depth of analysis, and consideration of potential biases or limitations.</p>

	<p>In our opinion, the argument for meeting this criterion has not convincingly established the property's historical or associative value.</p>
<p>6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.</p>	<p>No.</p>
<p>7. The property has contextual value because it is important in defining, maintaining, or supporting the character of an area.</p>	<p>No.</p>
<p>8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.</p>	<p>Yes. The contextual value of the home relates to the building's historical link and physical location on the property. With the placement of the house near the end of a long driveway, it reflects the traces of the farming economy during the 19th and early 20th century farm cultural landscape. The property holds contextual value as it is a longstanding feature and is historically linked to its surroundings within the community. This building reflects the hard work of its farming owners in Vaughan, as it historically represents a way of life during that time period. It is here that the merit of the house lies just as much as in the architectural value.</p> <p>The argument provided attempts to establish the contextual value of the property by emphasizing its historical link and physical location within its surroundings. In our opinion, the argument here is inconclusive, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Superficial analysis of contextual factors: While the argument mentions the historical link of the property to the farming economy of the 19th and early 20th centuries, it does not delve into specific details or examples that illustrate this connection. Providing specific instances of how the property's physical location or features reflect its historical context would strengthen the argument. The subject site was once part of numerous farming operations during Ontario's early settlement years. However, it now stands as a remnant of a larger original Lot and Concession, having been divided over time. As a result, it no longer maintains a direct connection to the original Crown patent, unlike other more intact lots found in the City.</li> </ul>

	<ul style="list-style-type: none"> <li>• Lack of integration with surrounding environment: The argument mentions the placement of the house near the end of a long driveway but does not discuss how this placement integrates with or relates to its surrounding environment. Many farmhouses were set back far from roads to maximize agricultural space, provide privacy and safety, and allow for future expansion and development. Understanding how the property interacts with its landscape or neighbouring structures is crucial for establishing its contextual value within the community.</li> <li>• Limited scope of historical significance: While the argument acknowledges the property's historical link to the farming economy and its reflection of a way of life during that time period, it does not explore other potential historical aspects that may contribute to its contextual value. Considering factors such as trending architectural styles, land use patterns, or cultural practices would provide a more comprehensive understanding of the property's historical significance within its surroundings.</li> <li>• Lack of specificity in assessing value: The argument states that the property holds contextual value due to its longstanding presence and historical link to its surroundings, but it does not specify how these factors contribute to its overall value. Without specific examples or explanations, it is unclear why the property's contextual significance is noteworthy or unique compared to other properties in the area.</li> <li>• Failure to address potential changes over time: The argument does not consider how the property's contextual value may have evolved or been impacted by changes in its surroundings over time. Understanding the dynamic relationship between the property and its environment is essential for assessing its contextual value accurately.</li> </ul> <p>In conclusion, while the argument attempts to establish the contextual value of the property based on its historical link and physical location within its surroundings, it lacks specificity, depth of analysis, and consideration of potential changes over time. Meeting this condition would require providing specific examples, integrating with the surrounding environment, exploring various historical aspects, and addressing potential changes over time to accurately assess the property's contextual value.</p> <p>In our opinion, this criterion has not been met.</p>
<p>9. The property has contextual value because it is a landmark.</p>	<p>No.</p>



## Conclusions and Recommendations

Based on the foregoing, it is our view that the subject site and its existing residence have not substantially met two of the nine criteria necessary for consideration of designation under Part IV, Section 29 of the OHA. In fact, we contend that none of the nine criteria have been satisfied.

Moreover, we believe that the heritage integrity of the residence has been compromised, given the alterations, extensive damage, and structural issues identified. Even if two or more criteria could be argued as met, the surviving physical features do not warrant long-term protection.

The required repairs and revitalization efforts for the residence are extensive, bordering on a complete rebuild to ensure habitability. Relocating the structure poses significant risks, as noted by the structural engineer, including potential destruction during transportation due to centrifugal forces, which further limits alternative conservations options.

In light of the aforementioned considerations, the recent site visit, and the structural assessment provided by SOSCIA, which deems the residence uninhabitable, we kindly request a reevaluation of the City's decision to designate the subject site under Part IV, Section 29 of the OHA. We ask the City to consider the active objection and to consider withdrawing the notice of intention to designate the property in accordance with Section 29(6) and 29(7) of the OHA.

Yours truly,  
The Biglieri Group Ltd.



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