

## Committee of the Whole (1) Report

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**DATE:** Tuesday, November 05, 2019

**WARD(S):** 4

**TITLE: RELOCATION OF ONE DESIGNATED PART IV HOUSE (58 FANNING CIRCLE) AND A LISTED HOUSE (39 KEATLEY DRIVE) TO 10090 BATHURST STREET, VICINITY OF BATHURST STREET AND MAJOR MACKENZIE DRIVE WEST**

**FROM:**

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

**ACTION:** DECISION

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**Purpose**

To forward a recommendation from the Heritage Vaughan Committee for the proposed relocation and restoration of the George Munshaw House (Designated under By-law 403-87 as Amended by By-law 103-2016) located at 58 Fanning Mills Circle, and the relocation of the Bassingthwaite House (Listed under Section 27 of the *Ontario Heritage Act*) currently located at 39 Keatley Drive (formerly 10244 Bathurst) to a new location known as 10090 Bathurst Street.

**Report Highlights**

- The Owner is proposing to relocate 2 heritage structures to a new location at 10090 Bathurst Street
- One structure is known as the “George Munshaw House” (Designated Part IV under By-law 403-87, as amended by by-law 146-2016)
- One structure is known as the “Bassingthwaite House” and is Listed under Section 27 of the *Ontario Heritage Act*.
- Heritage Vaughan review and Council approval is required under the *Ontario Heritage Act*
- Staff recommends approval of the proposal as it conforms with the policies of Vaughan Official Plan 2010 regarding the relocation of heritage structures.

## **Recommendations**

The Deputy City Manager, Administrative Services and City Solicitor, on behalf of Heritage Vaughan forwards the following recommendation from its meeting of October 16, 2019 (Item 3, Report No. 4), for consideration:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated October 16, 2019, be approved.

### **Recommendation and Report of the Deputy City Manager, Planning and Growth Management, dated October 16, 2019:**

1. THAT Heritage Vaughan recommend Council approve the proposed relocation and restoration of the George Munshaw House located at 58 Fanning Mills Circle to 10090 Bathurst Street under Section 34 of *Ontario Heritage Act*, subject to the following conditions:
  - a) The Owner shall enter into a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the City of Vaughan for the preservation / conservation of cultural heritage value;
  - b) The Owner shall provide a Letter of Undertaking with financial securities calculated to the cost of relocation and restoration of the George Munshaw House;
  - c) The Owner shall provide the City with an updated legal description of the new location to facilitate the amendment of the designation by-law;
  - d) The George Munshaw House shall be relocated, stabilized and footings, foundation and site services be installed prior to the relocation and restoration of the Bassingthwaite House;
  - e) Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, which shall be determined at the discretion of the Director of Development Planning and Manager of Urban Design and Cultural Heritage;
  - f) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any Development Application under the *Ontario Planning Act* or permits currently under review or to be submitted in the future by the Owner as it relates to the subject application; and
  - g) The Owner shall submit Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development Planning Department.

2. THAT Heritage Vaughan recommend Council approve the proposed relocation of the Bassingthwaite House located at 39 Keatley Drive to 10090 Bathurst Street of *Ontario Heritage Act*, subject to the following conditions:
- a) The Owner shall enter into a Heritage Easement Agreement under Section 37 of the OHA with the City of Vaughan for the preservation of the conservation of cultural heritage value;
  - b) That the Owner provide a Letter of Undertaking with financial securities calculated to the cost of relocation and restoration of the Bassingthwaite House;
  - c) The Owner shall provide the City with an updated Statement of Cultural Heritage Value in order to facilitate the inclusion of the Bassingthwaite House into the amendment of the designation by-law;
  - d) Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, which shall be determined at the discretion of the Director of Development Planning and Manager of Urban Design and Cultural Heritage;
  - e) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any Development Application under the *Ontario Planning Act* or permits currently under review or to be submitted in the future by the Owner as it relates to the subject application; and
  - f) The Owner shall submit Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development Planning Department.

## **Background**

Both the George Munshaw House and the Bassingthwaite House were originally located within Draft Plan of Subdivision file 19T-03V13. In 2005, several structures in the subject area were approved for demolition with the exception of the George Munshaw House (designated under by-law 403-87) which was located at 980 Major Mackenzie Drive West and the structure known as the Bassingthwaite House located at 10244 Bathurst Street. The two houses were to be integrated into the future subdivision due to their strong cultural heritage value.

The following is an extract from the August 24, 2005, Council approved recommendation:

*“That the Bassingthwaite House (at 10244 Bathurst Street) be preserved and integrated into the subject Draft Plan of Subdivision to the satisfaction of Cultural Services staff.*

*That the owner continue to have the George Munshaw House (the small building at 980 Major Mackenzie Drive) preserved and eventually integrated into the subject Draft Plan of Subdivision to the satisfaction of Cultural Services staff.”*

### The George Munshaw House

The George Munshaw House was built circa 1825-1850, with vertical plank sheathing as a frame support and represented the transition period from post and beam construction to balloon frame construction. Originally located on Concession 2, Lot 44 West Half, it was moved to 980 Major Mackenzie Drive West in 1984 and in 1987 was designated under Part IV of the *Ontario Heritage Act* ('OHA') due to its historical and architectural value.

In May 2015, the Owner proposed the relocation of the George Munshaw House to its current location (Lot 104 of Phase 2 of Draft Plan of Subdivision file 19T-03V13) on Major Mackenzie Drive West, west of Bathurst Street. This proposal was recommended for approval at the 13 May 2015 Heritage Vaughan meeting and was approved by Council on June 23, 2015. Subsequently, the George Munshaw House was relocated in September of 2016 to its current location municipally known as 58 Fanning Mills Circle. The relocation was not entirely completed as the house has remained on stages and has been kept on supports with no new foundation.

As part of the proposal, a current condition survey was completed and the house was found to be in relatively good condition as outlined in the submitted Cultural Heritage Resource Impact Assessment (CHRIA). It is imperative that the house be stabilized as soon as possible in the proposed new location however, to prevent further deterioration.

### The Bassingthwaite House

According to the initial research provided in the Archeological Services Inc., March 2005 report entitled "Cultural Heritage Impact Assessment for Helmhorst Investment Limited," The Bassingthwaite House is a two-storey structure constructed in approximately 1860, which was renovated and enlarged in the 1980s with a two-storey rear addition that "was constructed to the south elevation." The time period of this later addition is confirmed through the review of aerial photos from this period.

The Bassingthwaite House was identified in 2005 as containing significant cultural heritage value and Listed under Section 27 of the *Ontario Heritage Act*. At the early stages of the application process it was identified as one of the buildings to be retained and integrated into Draft Plan of Subdivision file 19T-03V13. The house remains in its original place, although its municipal address was changed from 10244 Bathurst Street to 59 Keatley Drive. In 2012, demolition clearances were given to demolish the collection of outbuildings (a garage and 3 barns) located on the original property. In

2014 a Letter of Undertaking was issued for the structure's restoration, but conservation work has yet to begin. The dwelling is currently unoccupied.

### 10090 Bathurst Street

The proposed new location for both houses is 10090 Bathurst Street. This property located on the west side of Bathurst Street, just north of Major Mackenzie Drive West. This property was the location of the Patterson School Secondary School No.19, built in 1870 and decommissioned in 1964. Upon its decommission it was sold and readapted into a private home on the site. As the site was never Listed or Designated by the City of Vaughan, it was not identified as a heritage property and was demolished in 2018.

### **Previous Reports/Authority**

Heritage Vaughan August 24, 2005

Heritage Vaughan Committee – April 23, 2014

Heritage Vaughan Committee May 13, 2015

### **Analysis and Options**

#### ***Ontario Heritage Act***

Under the *Ontario Heritage Act*, the relocation and restoration of the George Munshaw House must follow the process outlined in the following Sections of the OHA;

Section 33 – the alteration of a designated property, both in the removal of the structure and its restoration and renovation.

Section 30 – the amendment of the designation by-law to update and amend the new legal description of the property.

Section 34 – the relocation of the structure is to be treated as a demolition of the structure, with the subsequent repeal of the previous designation (i.e. Fanning Mills Circle).

The ongoing preservation of the cultural heritage value of the Munshaw House will be ensured by the City entering into an easement agreement with the Owners under Section 37 of the OHA, for the conservation of property of cultural heritage value. This covenant is to be entered into after Council approves the proposed works presented in this report.

The Bassingthwaite House is not designated under Part IV and therefore its relocation and restoration does not require a heritage permit. However, as the intent is relocate the house to what will have become a designated Part IV property consisting of the George Munshaw House, it too will therefore be covered under Part IV protection upon relocation, and its restoration should be considered in the context of conserving its cultural heritage value. To this end, there will be another Section 37 heritage easement

agreement needed, to identify and conserve the additional cultural heritage value of the Bassingthwaite House.

**All new development must conform to the Cultural Heritage policies and guidelines within the *City of Vaughan Official Plan 2010* ('VOP 2010').**

Section 6.1 of VOP 2010 promotes an active and engaged approach to the recognition and conservation of cultural heritage resources and their integration into future development.

Section 6.2.2.4 of VOP 2010 states that Designated heritage properties shall be conserved in accordance with good heritage conservation practice, and that the City may permit alterations or additions to designated heritage properties when those properties and their heritage attributes are conserved in accordance with good heritage conservation practice.

Section 6.2.2.7(c) of VOP 2010 allows for the alternative to relocate a designated heritage property to another site within the same development if all options for on-site retention have been explored. Conservation in-situ of the same use or through adaptive reuse are the preferred first and second options, while relocation to another site within the same development is the third option.

Staff supports the relocation and retention of the George Munshaw House given that the house was previously moved in 1984 from its original site in modern-day Richmond Hill and that the proposed relocation within the new proposed subdivision provides a viable continued residential use and siting that is sympathetic to its character defining elements. It will also provide for the stabilization and restoration of the structure. The proposed new location will be visible along Bathurst Street and not far from its original location on the east side of Bathurst.

The initial intent was for Bassingthwaite House to be retained in-situ but it was determined that the proposed location will improve the setting of the Bassingthwaite House by providing it with a naturalized setting. The original orientation of the Bassingthwaite House, facing east towards Bathurst Street, can be maintained. This will improve the visual prominence of the resource. Depending on its use, it may also facilitate greater accessibility to and appreciation by the public.

The Owner has submitted a combined Cultural Heritage Resource Impact Assessment (CHRIA) and Conservation Plans for both locations. Cultural Heritage staff has reviewed these reports and find that they meet the City of Vaughan Guidelines. The documents do not set out a sequence of when the buildings are to be moved, but recognizes that if the George Munshaw House is to be saved, relocating it to a location where it can be restored and rehabilitated is a priority.

By contrast, the relocation of the Bassingthwaite House is not as urgent, and Cultural Heritage staff recommends that it be stabilized in place until the Munshaw House has been relocated with a new foundation, footings and site services have been installed. Once the George Munshaw House has been stabilized at the new location, the Bassingthwaite House may be prepared for relocation.

Cultural Heritage staff notes that the Toronto and Region Conservation Authority ('TRCA') regulates the construction, reconstruction or placement of a building or structure of any kind on the proposed site as it is under Ontario Regulation 166/06. Based on a preliminary review of the site plan, the TRCA has no concern with the proposed locations of the buildings and the intent that the programming of the buildings will be completed after the move, through the related *Planning Act* approvals.

For the time being the use of property will be maintained as residential, with one of the buildings identified as a dwelling unit and the other as an accessory structure. Any future changes in use will require a Zoning By-law amendment. Furthermore, once the designation is updated, any proposed alterations to the property will require an application to alter a structure under Section 33 of the *OHA*.

### **Financial Impact**

There are no requirements for new funding associated with this report.

### **Broader Regional Impacts/Considerations**

There are no broader Regional impacts or considerations.

### **Conclusion**

The Urban Design and Cultural Heritage Division of the Development Planning Department is satisfied the proposed relocation and restoration proposals conforms to the policies and guidelines within the Vaughan 2010 Official Plan. Accordingly, staff can support Council approval of the proposed relocation of the Part IV designated George Munshaw House located at 59 Fanning Mills Circle, and the relocation of the Bassingthwaite House (Listed under Section 27) currently located at 59 Keatley Drive (formerly 10244 Bathurst) to a new location known as 10090 Bathurst Street, as shown on Attachment 1.

**For more information**, please contact: Katrina Guy, Cultural Heritage Coordinator, ext. 8115

## **Attachments**

1. Context Plan
2. Aerial Plan
3. Existing Site Plan for Fanning Mills Circle
4. Existing Site Plan for 39 Keatley Drive
5. By-law 403-87 as amended by bylaw 146-2016
6. Cultural Heritage Resource Impact Assessment
7. *Conservation Plan for the George Munshaw House*
8. *Conservation Plan for the Bassingthwaite House*
9. Proposed Site Plan for 10090 Bathurst Street

## **Prepared by**

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## **Reviewed by**

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Mauro Peverini, Director of Development Planning