



**REPORT NO. 1 OF HERITAGE VAUGHAN COMMITTEE  
FOR CONSIDERATION BY THE COMMITTEE OF THE WHOLE  
OF THE CITY OF VAUGHAN ON FEBRUARY 7, 2012**

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3) That Cultural Services staff, on behalf of the City of Vaughan, proceed to list:

- (1) the York Canadian National Railway Bridge;
- (2) the York Canadian Pacific Railway Bridge;
- (3) the Huntington Road Bridge; and
- (4) the King-Vaughan Road Bridge

in the City of Vaughan Heritage Inventory as being properties of cultural heritage interest, and to evaluate whether any of the bridges has Architectural and Heritage value.

**Recommendation**

Cultural Services staff provide the following recommendation for Heritage Vaughan's consideration:

That Heritage Vaughan receive the information in this report; and,

That Heritage Vaughan endorse in principle the proposed "next steps" and "opportunities" provided for implementation by the Toronto and Region Conservation Authority as outlined in the Humber River Heritage Bridge Inventory report.

**Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

**Economic Impact**

N/A

**Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

**Purpose**

To review the recommendations made within Crossing The Humber: The Humber River Heritage Bridge Inventory as it relates to heritage bridges within the City of Vaughan.

**Background - Analysis and Options**

1.0 Analysis

- 1.1 Crossing the Humber – The Humber River Bridge Inventory was designed to promote the recognition and protection of heritage bridges in the Humber watershed as infrastructure essential to the preservation of community character and the development of social capital.

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- 1.2 The goal of the study is to promote the Humber's Canadian Heritage River designation with its associated heritage and recreational values, to guide the listing or designation of heritage bridges by local municipalities under the Ontario Heritage Act and to educate and raise public awareness of these unique features through heritage tourism and conservation planning.
- 1.3 The project utilized various mapping techniques, site assessments of public and private properties, and local community-based knowledge were applied to identify culverts, abutments, and functional bridges along the river.
- 1.4 Once heritage bridges were identified, they were evaluated based on criteria set out by Ontario Regulation 9/06: Criteria for determining Cultural Heritage Value or Interest as provided by the Ontario Heritage Act.
- 1.5 In total, 33 heritage bridges and associated vestiges were identified, with 7 of those heritage bridges located within the City of Vaughan.
- 1.6 The subject document proposes the following Opportunities which have emerged as a result of the subject study for implementation by TRCA:

**7.0 OPPORTUNITIES**

The Humber River Heritage Bridge Inventory (HRHBI) provides opportunities for heritage bridge preservation and conservation planning, including:

1. Creating an interactive GIS map that promotes community education and awareness to heritage bridges and assists in the Environmental Assessment planning review of applications that may impact heritage bridges
2. Creating a website to host the GIS map that promotes the HRHBI and heritage tourism for the Humber watershed, in partnership with NGOs and watershed municipalities
3. Converting heritage bridges from their original use to adapted uses for community benefit, like pedestrian bridges, as in the case of Sneath Bridge
4. Linking heritage bridges to existing pedestrian trails to facilitate outdoor recreation and heritage education
5. Incorporating heritage bridges into official municipal planning documents, such as pedestrian and recreational master plans
6. Implementing themed heritage tourism trails that link heritage bridges to other community features.

The following other trail opportunities exist:

- Linking the bowstring bridges in the City of Vaughan through a heritage tourism trail (Appendix K). (Cultural Services Note: See attached)

- 1.7 The subject document also proposes the following Next Steps as recommendations for TRCA:

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**8.0 NEXT STEPS**

The next steps are as follows:

1. Present the results of the HRHBI to watershed municipalities.
2. Encourage municipalities to continue to further evaluate the bridges of heritage significance identified in their jurisdiction and pursue, where possible, official recognition and protection under Section 27 and/or Section 29, Part IV of the Ontario Heritage Act, or other legislation that may apply (see Appendix J for this section of the Act). It should be noted that the heritage designation application must originate from the municipality in which the bridge is located. Municipal designation would not apply to federal or provincial crown properties nor to active railway bridges regulated under the Canada Transportation Act. Nevertheless, these bridges should be listed as cultural heritage properties of interest on their respective municipal registers and representations to the railways or provincial authorities involved should be undertaken where appropriate to encourage their preservation.
3. Develop an interactive GIS map indicating the 33 bridges of heritage significance along the Humber with corresponding evaluation material and photos available to encourage public education and heritage awareness for the watershed. This map could be linked to other forms of social media through community partners; thereby, providing a forum for heritage conservation. It would also be useful when conducting Environmental Assessment reviews of infrastructure scheduled for rehabilitation or demolition.
4. Locate interpretive signage at each bridge of heritage significance to increase heritage awareness for tourists, trail users and the general public.
5. Distribute the HRHBI to individuals or groups interested in heritage protection within the watershed for capacity building and potential partnership development.
6. Create a self guided walking program, with supporting interpretive information related to each bridge of heritage significance, where situated on public lands.

Cultural Services has no concerns regarding the TRCA implementing their proposed next steps and recommendations. As such, Cultural Services recommends that the recommendations proposed by the TRCA.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- **STRATEGIC GOAL:**  
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**  
Preserve our heritage and support diversity, arts and culture.



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3. 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines which was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.
  4. Revision Required: Signage locations provided are acceptable with the exception of the following points:
    - i. Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
    - ii. Decals are not preferred.
    - iii. Any signage lighting must be exterior.
  5. For Block B, the siding should be eliminated and the facades should be all brick.
  6. Revision required: The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.
  7. Exterior material samples will be required to be submitted for review and approval.
  8. All exterior lighting must be indicated, including wall lighting.
  9. All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.
  10. No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
2. The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

**Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

**Economic Impact**

N/A

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**Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

**Purpose**

To receive the information included in the Analysis portion of this report.

**Background and Analysis**

1.0 Background

This is the second circulation by the Development Department of this application. The first circulation was in September 2011 and staff provided comments to the applicant at which time issues enumerated in the analysis section of this report were identified.

The current proposal received December 22, 2011, is analyzed in the analysis portion of this report. The points discussed, follow up on the issues identified in the first comments provided to the applicant and indicate their current status as reflected on the current drawings submitted.

2.0 Analysis

**Summary of Outstanding Issues**

Please also refer to the recommendation section of this report:

- A minimal setback was provided in order to distinguish four major sections in massing. The applicant is required to confirm the length of each section and the dimension of the setbacks provided. It is recommended that the setback be increased to reflect the intention of “an area of pedestrian refuge” as described in the Maple Heritage Conservation District guidelines, which is closer to at minimum of 1 to 3 metres (refer to 9.5.3.5 Site Plan, MHCDG).
- Applicant is required to provide calculation on proposed commercial glazing area.
- 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.
- Revision Required: Signage locations provided are acceptable with the exception of the following points:
  - Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
  - Decals are not preferred.
  - Any signage lighting must be exterior.
- For Block B, the siding should be eliminated and the facades should be all brick.
- Revision required: The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The

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applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.

- Exterior material samples will be required to be submitted for review and approval.
- All exterior lighting must be indicated, including wall lighting.
- All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.
- No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
- The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

**Full Analysis of Current Proposal**

The lands are located within an area of the heritage conservation district identified as part of the Commercial core areas shown in section 9.5.3.1 of the Heritage Conservation District Guidelines.

The following is a list of the issues identified in the current review, as they relate to the comments previously provided in Cultural Services' memorandum of September 23, 2011 (Please refer to attachment):

1. Follow guidelines in sections 9.5.3.5 and 9.5.3.7. Revise Keele Street massing to introduce a setback for every third or fourth bay, to create "a set back zone of enhanced pedestrian comfort." Frontages are to be broken into elements of no more than 20 metres in width.

**Pending Requirement: Partially addressed.** A minimal setback was provided in order to distinguish four major sections in massing. The applicant is required to confirm the length of each section and the dimension of the setbacks provided. It is recommended that the setback be increased to reflect the intention of "an area of pedestrian refuge" as described in the Maple Heritage Conservation District guidelines, which is closer to at minimum of 1 to 3 metres (refer to 9.5.3.5 Site Plan, MHCDG).

2. **Pending Requirement:** Applicant to provide calculation on proposed commercial glazing area.
3. The ground floor height is required to be a minimum of 4.5 metres, and the window and door articulation on the commercial ground floor is to respond to this feature.

**Pending Requirement:** 4.5 metres ground floor height is a requirement of the Maple Heritage Conservation District Guidelines was not addressed, and it is technically pending. However, staff recognizes that the provided heights are in concert with other heritage buildings of that section of Keele Street, such as the Maple Villa and other residential properties such as the home across Killian to the North, of the Edwardian style.

4. The applicant is to confirm design for signage. All signs will require the approval of a heritage permit to confirm adherence to the guidelines on signage as well as the Sign-by law.

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- Pending Requirement: Revision Required:** Signage locations provided are acceptable with the exception of the following points:
- Board signage locations are acceptable except that the design is to be a simple rectangle and the border feature is acceptable.
  - Decals are not preferred.
  - Any signage lighting must be exterior.
5. **Still Applicable:** No blind windows will be permitted on any elevation, including the Killian Street facades. This is also applicable for the quarter circular windows at the gable ends.
6. **Pending Requirement: Addressed only in Block A elevations. Pending for Block B.** For Block B, the siding should be eliminated and the facades should be all brick.
7. **Addressed.**
8. **Pending Requirement** Exterior material samples will be required to be submitted for review and approval.
9. **Addressed.**
10. **Addressed.**
11. **Addressed.**
12. **Addressed.** The applicant has communicated that the location of the planting beds necessitates a small curb due heavy traffic and salt impact in the winter. It is within the guidelines to allow this as an exemption. However, it seems that the planters have been omitted in the latest drawings.

**New Comments**

13. **Revision required:** The proposed stone cladding in the front elevation is shown in a different pattern than in the back and side elevations. There is no precedent in Vaughan or Ontario for cut stone cladding band on the first floor of a building, known to Cultural Services. The applicant is required to provide such precedent or otherwise the stone is to be limited to the foundation only.
14. Block A is noted at 11.55 metres in height. This is within the permitted height limit of 11.8 metres for Block B has been increased in height from the last submission to be 11.768 metres at their front facade, facing the back and the houses on Killian Road, which is within the height limit for the commercial core as set in the Heritage Conservation District Guidelines (limit is 11.8 metres). Due to the proposed grading, the buildings on Block B and C will be approximately 1.7 metres taller than the Block A building. This height difference will be most perceived from the North facades facing Killian Road. Nevertheless, zoning is to advise as to whether the height for all the proposed buildings comply with the zoning by-law.
15. **Revision/Information Required:** All exterior lighting must be indicated, including wall lighting.
16. **Information Required:** All windows are required to feature exterior muntin bars. The review of the windows and its materials will be required as part of the exterior material samples to be reviewed by Cultural Services. Please refer to point 8 above.

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17. Cultural Services has been made aware that other departments have significant site planning issues with the proposal. The memorandum from the Development Planning Department indicated that the purpose of the circulation is in order to obtain the review by the Heritage Vaughan Committee. The memorandum notes that there are technical issues pending to be addressed with other departments. The applicant is to be advised that if the design changes as a result of addressing issues from review by other departments, a new submittal for review for the Heritage Vaughan Committee may be required.

**Background**

Cultural Services previously provided comments to a previous submission on a memorandum dated September 23, 2011. **Please refer to attachment.** (Extract of September 23, 2011 memorandum (p. 1, 2 and 15)).

**Heritage Status of Property**

- Designated Part V under the Ontario Heritage Act as it is located within the Maple Heritage Conservation District and therefore governed by the Maple Heritage Conservation District Plan and design guidelines.
- All new construction, additions, demolitions and changes to the exterior of buildings within the subject properties will require approval of a Heritage Permit application in addition to other City permits such as Building Permits or Planning Application approvals as required under the District Plan.
- Proposed changes to properties designated within heritage conservation districts must be in keeping with the heritage character of the building, the historical streetscape and must be in conformance with the Woodbridge heritage district plan and design guidelines.

**Approval Process**

This Site Plan application will require the approval of a Heritage Permit with Heritage Vaughan Committee review and approval.

The applicant is encouraged to contact Cultural Services staff in order to obtain any guidance necessary in order to address the issues listed in this report. Once the pending issues are addressed, the application may be forwarded to the Heritage Vaughan Committee for consideration.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

STRATEGIC GOAL:

Service Excellence - Providing service excellence to citizens.

STRATEGIC OBJECTIVES:

Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A



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**Purpose**

To review the subject proposed alteration and addition to the existing house at 8255 Kipling Avenue, as approved.

**Background - Analysis and Options**

1.0 Background

The property at 8255 Kipling Avenue in the City of Vaughan is designated under Part V of the Ontario Heritage Act as part of the Woodbridge Heritage Conservation District.

The house has been noted as a “contributing” structure to the Woodbridge Heritage Character Area of Central Kipling Avenue, as identified in the District Plan.

Staff visited the site on November 30<sup>th</sup>, 2011 to review the proposed plans with the applicant.

The subject structure is a one-and-a-half storey Victorian gothic house, with an existing gambrel roof circa 1980s rear addition.

2.0 Analysis

The applicant proposed a one-and-a-half rear addition to the subject building to accommodate additional space, a new kitchen and expanded upstairs bedroom.

The exiting rear window on the original historic structure will be widened to create a link between the old and new as such the removal of historic materials will be minimal.

The existing historic roof and all structural members will remain intact. The proposed roof will be installed over the existing.

The proposed addition does not exceed the existing building height, and will not directly impact the Kipling Avenue Heritage streetscape.

The existing cladding is circa 1980s stucco. The applicant proposes to change the cladding to more historically appropriate horizontal wood clapboard siding. This will ensure that the proposed addition cladding will match with the existing structure cladding. Cladding will be installed over existing stucco, so the record of former cladding remains intact.

Existing windows are relatively recent vinyl windows; however, the applicant is not proposing new windows at this time.

The proposed addition is in keeping with the heritage architectural style of the existing structure and does not negatively impact the heritage character of the building or Kipling Ave. streetscape. As such, Cultural Services recommends approval of the subject rear addition.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:  
Service Excellence - Providing service excellence to citizens.

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- **STRATEGIC OBJECTIVES:**  
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

The proposed addition is in keeping with the heritage architectural style of the existing structure and does not negatively impact the heritage character of the building or Kipling Ave. streetscape. As such, Cultural Services recommends approval of the subject rear addition.

**Report prepared by:**

Lauren Archer  
Cultural Heritage Coordinator  
Recreation and Culture Department

Angela Palermo  
Manager of Cultural Services  
Recreation and Culture Department

**4**

**141 CENTRE STREET**

Heritage Vaughan advises:

- 1) That staff write to the property owner affirming the heritage importance of the house, to start a dialogue with respect to the designation of the building;
- 2) That staff prepare a report for designation of the subject property, and
- 3) That the property owner be invited to attend the Heritage Vaughan meeting when this report will be discussed.

**Recommendation**

That the information provided in this report be received.

**Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

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**Economic Impact**

N/A

**Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

**Purpose**

To receive the information on this property.

**Background and Analysis**

2.0 Background

141 Centre Street is a Registered property under the Ontario Heritage Act. It is known as the Owen McCartney House. It is of the Georgian Style, circa 1840. It features a three bay front elevation arrangement with central front doorway, 12 over 12 double hung windows and stucco as exterior cladding. The property is listed on the City's register of buildings under the Ontario Heritage Act, however, it is not included in the Thornhill Heritage Conservation District and therefore not designated under the Ontario Heritage Act.

Councillor Shefman has requested that the item be included in the agenda for discussion.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:  
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:  
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

Please refer to recommendation section of this report

**Report prepared by:**

Cecilia Nin Hernandez  
Cultural Heritage Coordinator  
Recreation and Culture Department

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Angela Palermo  
Manager of Cultural Services  
Recreation and Culture Department

**5 ONTARIO HERITAGE ACT CONTRAVENTION FINES AND HERITAGE VAUGHAN  
COMMITTEE MANDATE**

Heritage Vaughan advises that the recommendation contained in the following report of Cultural Services, dated January 18, 2012, be approved:

**Recommendation**

Cultural Services staff provide the following recommendation for Heritage Vaughan's review:

- 1) That, Heritage Vaughan receive the information in this report;
- 2) That Heritage Vaughan received the information provided by the Legal Services Department;
- 3) That, Cultural Services staff work with the Legal Services Department's to initiate the steps in order to ultimately:
  - i. prepare a by-law that would enable staff to issue Certificates of Offences (tickets) under the authority of the appropriate Provincial legislations;
  - ii. work with legal services in identifying the different offences and the fine associated with each, under the Certificates of Offences.

**Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

**Economic Impact**

N/A

**Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

**Purpose**

To receive the information included in the Analysis portion of this report.

**Background and Analysis**

3.0 Background

At their meeting of October 17, 2011, the Heritage Vaughan Committee asked staff to investigate

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options under the Ontario Heritage Act or other pertinent legislation that the City may pursue in cases when it is determined that the approved Heritage Permit has not been abided by.

Item 9 of the November 2011 Heritage Vaughan agenda provided the information directly below. This item, however, was deferred at the November meeting to a future Heritage Vaughan meeting. Since then, cultural Services staff has been able to collect additional information which is described in the analysis portion of this report.

*The Role of Municipal Heritage Committees:*

The *Ontario Heritage Act* defines the statutory role of municipal heritage committees, but also states that other responsibilities may be assigned to these committees through by-laws passed by the municipal council. The establishment of a municipal heritage committee enables a municipality to encourage community participation in local heritage conservation. In practice, a heritage committee often has a dual responsibility:

- To the municipality - to advise council on heritage issues (under the *Ontario Heritage Act*); and, to carry out assigned duties according to the municipal by-law or resolution and procedures established by the municipality; and
- To the citizens of the municipality - to help ensure that plans for change and progress be developed in a manner which recognizes the historical continuity of their community.

On May 2, 1977, Council established Heritage Vaughan with the enactment of By-law No.86-77 pursuant to Section 28 of the *Ontario Heritage Act*. The Committee's statutory role is advisory to Council and is recognized as the legitimate vehicle for coordinating and conveying community concerns respecting heritage conservation activities.

*Responsibilities of Heritage Vaughan*

Heritage Vaughan's activities flow from its statutory authority and are part of its advisory functions. Heritage Vaughan is given by Council the following duties:

Heritage Vaughan provides guidance and advice to Council in making decisions on any matters relating to the designation and conservation of property of cultural heritage value or interest, as individual properties or as heritage conservation districts pursuant to the Ontario Heritage Act (s.28) as follows:

- To advise and make recommendations to Council on all matters relating to the designation of individual properties (Part IV) or heritage conservation districts (Part V);
- Applications to alter, demolish or remove designated properties;
- Applications to repeal by-laws which designate individual properties as heritage properties;
- Recommendations to enter into heritage conservation easement agreements or covenants; and
- To advise and make recommendations to Council on other heritage matters as Council may deem appropriate by by-law.

Heritage Vaughan also has the responsibility to keep Council informed of its plans and activities. This is often accomplished through committee minutes and reports, and by having members of Council appointed to the committee as the first line of communication. Another method of ensuring council's awareness on heritage conservation issues is through monthly reporting

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through the Heritage Vaughan Minutes, which are approved by the Committee of the Whole every month. All decisions of Council as it relates to heritage matters are final.

Ontario Heritage Act Fines

Section 69 of the Act allows for imposition of a fine of up to \$1 million for any person found illegally demolishing a property in a Heritage Conservation District. This amount recognizes that illegal demolition of designated heritage properties is one of the most serious offences under the Act. Provision is also made for municipalities to recover the costs of restoring illegally altered buildings or structures designated under Part IV or Part V.

Since the Ontario Heritage Act was passed in 1974, there have been only a small number of prosecutions carried out by municipalities for contravention of the provisions of the Act, mainly for unauthorized alterations or demolition of designated property.

Please see the Attachments section for extracts from the Ontario Heritage Act and the Heritage Vaughan By-Law.

4.0 Analysis

**Examples from other Municipalities in Ontario**

**Laying of Charges under the Ontario Heritage Act – Town of Markham**

Section 69 of the Act allows for imposition of a fine of up to \$1 million for any person found illegally demolishing a property in a Heritage Conservation District. This amount recognizes that illegal demolition of designated heritage properties is one of the most serious offences under the Act. Provision is also made for municipalities to recover the costs of restoring illegally altered buildings or structures designated under Part IV or Part V.

In order to look at the process that would be involved in laying charges for an offence under the Ontario Heritage Act, staff looked at the one followed by the neighbouring Municipality of Markham. Markham heritage staff work with their legal department to take offences under the OHA to court. The municipality may suggest a fine and the court decides the final appropriate fine. Please refer to the attachment showing a sample range of fines resulting from Markham's cases. Negotiations outside the court in order to achieve restoration or compliance have been sought in some occasions, and upon achieving a satisfactory agreement the charges are dropped. In staff's inquiry result, City of Hamilton also have prosecuted offenders under the Act as well.

Based on Legal Service's feedback, Vaughan may follow the same process for contraventions. See attachment and "City of Vaughan Legal Department Feedback" section below.

**Increase to Heritage Permit Fees – Town of Markham**

The Town of Markham has recently approved a fee of 300 dollars for work done without a Heritage Permit. The value was estimated based on the time that it takes staff to process the application factoring in the intricacies of the review once work has been undertaken. This does not trump the possibility of using the provisions under the Ontario Heritage Act and pursuing the matter in court.

Based on Legal Service's feedback, it could be possible to do something similar in Vaughan. See attachment and "City of Vaughan Legal Department Feedback" section below.

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**Set Infraction Fines – Town of Cobourg**

The Corporation of the Town of Cobourg has set fines to “Regulate the Alteration of Designated Property within Heritage Conservation Districts” via a by-law approved by a Regional Senior Justice, pursuant to provisions of the Provincial Offences Act.

Based on Legal Service’s feedback, it could be possible to do something similar in Vaughan. See attachment and “City of Vaughan Legal Department Feedback” section below.

**City of Vaughan Legal Department Feedback Summary**

Under the current Municipal Act, the City can pass a by-law that would enable staff to issue *Certificates of Offences (tickets)* with set fines to property owners who have altered the heritage property outside the provisions of a Heritage Permit.

In this case, the Provincial Offences Act would be triggered, and the maximum fine under a ticket is 1,000 dollars. The offender would still have the right to a trial in the Provincial Offences Court to dispute the ticket. The Justice would have the authority to vary the set fine even if the offender is found guilty. This by-law could not be applied retroactively. One advantage is that it is administratively easier than the currently way of laying a charge under the Ontario Heritage Act, is by issuing an *Information*.

Information is a document issued by a Justice of the Peace and it involves an informant swearing under oath that there are “probable and reasonable grounds” than an offence has been committed. The limit fine would be set, in the case of heritage issues, by the Ontario Heritage Act; the limit is 50,000 for individuals. [see section 69 of the Ontario Heritage Act].

Based on the Markham example of the fee of 300 dollars for unauthorized work, the fee would have to be recalculated specifically for Vaughan, and provide a tie with the services provided in order for it to be valid in Court.

Please refer to attachment for Legal Service’s full response.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:  
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:  
Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

Please refer to recommendation section of this report.



**REPORT NO. 1 OF HERITAGE VAUGHAN COMMITTEE  
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**Purpose**

To review the subject proposed Sign Variance Application for a proposed sign in the Woodbridge Heritage Conservation District and Special Sign District as per Sign By-law.

**Background - Analysis and Options**

**2.0 Background**

- 2.1 The subject property is located within the Woodbridge Heritage Conservation District, which is identified as being within a Special Sign District by the City of Vaughan Sign By-Law.
- 2.2 As such, all proposed signage is to be in keeping with the Woodbridge Heritage Conservation District Guidelines as well as Section 11 of the Sign By-Law.
- 2.3 The applicant has already installed the subject signage. In December 2011 Cultural Services staff noticed the signage while out on another site visit in Woodbridge.
- 2.4 Cultural Services staff sent out By-Law enforcement to the applicant, and it was determined that the applicant installed the signage without a Heritage Permit or Sign Permit.
- 2.5 The applicant is required to apply for both a Sign Variance and a Heritage Permit application for the subject signage.

**3.0 Analysis**

- 3.1 The proposed signage far exceeds the maximum size allowed within Special Sign districts.
  - 3.1.1 Max height for a ground sign in any commercial area in Vaughan is 7.5 m. The maximum area for any ground sign in any commercial area in Vaughan is 5.0 sq. m.
  - 3.1.2 In Special Sign Districts, such as the Woodbridge Heritage Conservation District, the maximum area for a ground sign is 2.0 sq.m
  - 3.1.3 The proposed sign is 44.6 sq.m. The sign is 2230% too big, or 22.3 times larger than what is permitted.
- 2.2 Additionally, the proposed sign is:
  - 1.1.1 Of a high gloss vinyl material, not a historically appropriate material.
  - 1.1.2 Potentially internally lit (lighting is not specified), and
  - 1.1.3 Not in keeping with the heritage character of Woodbridge Heritage Conservation District.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

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**STRATEGIC GOAL:**

Service Excellence - Providing service excellence to citizens.

**STRATEGIC OBJECTIVES:**

Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

The proposed signage is not in keeping with the Woodbridge Heritage Conservation District Plan and Guidelines and negatively impacts the heritage character of the Woodbridge Ave Character Area streetscape due to the sign's size and materials. As such, Cultural Services recommends that the application for signage be refused, and that the applicant amend the current design to address the issues outlined in the above report.

**Report prepared by:**

Lauren Archer  
Cultural Heritage Coordinator  
Recreation and Culture Department

Angela Palermo  
Manager of Cultural Services  
Recreation and Culture Department

**7            685 NASHVILLE ROAD, ALTERNATIONS WITHOUT A HERITAGE PERMIT,  
APPLICATION FOR FRONT ADDITION TO BUILDING WITHIN THE  
KLEINBURG-NASHVILLE HERITAGE CONSERVATION DISTRICT**

Heritage Vaughan advises:

1.        That the subject application be approved, with the following conditions of approval:
  - That the applicant reduce dormer size by 15%.
  - That the applicant alter entranceway feature to reflect a more traditional portico style and be of historically appropriate materials.
  - That the applicant alter all window styles on the front elevation to reflect a historic style, typically found in Colonial Revival homes, as identified in the Kleinburg-Nashville Heritage Conservation District Guidelines.
  - That the applicant reduce stone to foundation level, no higher than 2ft.
  - Stone treatment is also to be included at base of front bay window, as part of the foundation, and omitted from the full height of the front entranceway.
  
2.        That the applicant and staff work together to resolve the above-referenced issues.

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3. That should any additional changes occur to the proposed, the applicant provide a full set of final drawings, including site plan and all elevations for final approval by Cultural Services staff and/or Heritage Vaughan;
4. That the applicant provide samples of building materials and paint samples for consideration and approval by Cultural Services staff at a time when this information is known to the applicant; and
5. That the deputation of Mr. Robert Irwin, 685 Nashville Road, be received.

**Recommendation**

Cultural Services staff provide the following recommendation for Heritage Vaughan for consideration:

1. That **EITHER** the subject application be refused as proposed.

Or

That the subject application be approved, with the following conditions of approval:

- That the applicant reduce dormer size by 15%
  - That the applicant alter entranceway feature to reflect a more traditional portico style and be of historically appropriate materials.
  - That the applicant alter all window styles on the front elevation to reflect a historic style, typically found in Colonial Revival homes, as identified in the Kleinburg-Nashville Heritage Conservation District Guidelines.
  - That the applicant reduce stone to foundation level, no higher than 2ft.
  - Stone treatment is also to be included at base of front bay window, as part of the foundation, and omitted from the full height of the front entranceway.
2. That the applicant and staff work together to resolve the above-referenced issues.
  3. That should any additional changes occur to the proposed, the applicant provide a full set of final drawings, including site plan and all elevations for final approval by Cultural Services staff and/or Heritage Vaughan, and;
  4. That the applicant provide samples of building materials and paint samples for consideration and approval by Cultural Services staff at a time when this information is known to the applicant.

**Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

**Economic Impact**

N/A

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**Communications Plan**

All agenda items and minutes relating to Heritage Vaughan committee meetings are circulated to relevant City departments, applicants and their representatives.

**Purpose**

To review the subject proposed partially completed alterations to the subject structure, located within the Kleinburg-Nashville Heritage Conservation District.

**Background - Analysis and Options**

4.0 Background

4.1 Heritage Status of Property

- 1.1.1 The subject property is Designated Part V under the Ontario Heritage Act as a part of the Kleinburg-Nashville Heritage Conservation District and is subject to the Kleinburg-Nashville Heritage Conservation District Plan and design guidelines.
- 1.1.2 The subject building is identified as being a circa 1970s Split level Ranch style building, a Non-Heritage Architectural style as described in the K-NHCD Guidelines and Plan.
- 1.1.3 All alterations to the exterior of buildings within heritage districts require approval of a Heritage Permit application in addition to other City permits such as Building Permits or Planning Application approvals as required under the District Plan.

1.2 Application Background

- 1.2.1 Cultural Services was made aware at the end of September, 2011 that alterations had been made to the subject building, including:
  - a front-facing addition to the Split level portion of the proposed house,
  - the addition of a second garage door feature, and
  - the first stages of the entranceway portico.
- 1.2.2 These alterations have been made without a Building Permit or Heritage Permit. A stop work order was issued to the applicant.
- 1.2.3 The property owner met with Doug Overholt, Senior Building Inspector with Building Standards as well as Cultural Services Staff on October 18<sup>th</sup>, 2011 to discuss the requirements to make a retroactive application for a Heritage Review and Building Permit.
- 1.2.4 The applicant was informed of the heritage status of the subject building, and of requirement that the subject alterations was required to be in keeping with the Kleinburg-Nashville Heritage Conservation District. Cultural Services staff provided the applicant with the Kleinburg-Nashville Heritage District Guidelines and with a Heritage Review Requirements form.

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- 1.2.5 On December 15<sup>th</sup>, 2011 the agent for the applicant contacted Cultural Services to discuss the Heritage Review for the subject application. Cultural Services staff provided the agent with the Kleinburg-Nashville Heritage Conservation District Guidelines and a Heritage Review Requirements form.
- 1.2.6 The agent for the property owner faxed elevations and a site plan for the subject building on December 23<sup>rd</sup>, 2011 and dropped off a paper copy of the subject application on January 3<sup>rd</sup>, 2012.
- 1.2.7 At this time Cultural Services began the review process, usually consisting of a preliminary analysis, upon which time the applicant is encouraged to work with Cultural Services staff if any issues are identified. Once the pending issues are addressed, the application is then forwarded to the Heritage Vaughan Committee for consideration.
- 1.2.8 The applicant does not wish to amend the application, and has directed staff to submit the application for review by the Heritage Vaughan Committee, as submitted.

2.0 Design Analysis

- 2.1 Development within the Kleinburg-Nashville Heritage Conservation District is described as occurring as infill construction on vacant lands, as replacement construction or alteration to non-heritage buildings.

There are two options available for the redevelopment of existing non-heritage buildings within the district: Contemporary Alteration, or Historical Conversion.

- Contemporary alteration restores a non-heritage building of exceptional design to a more authentic state. It can also include addition to the rear, or where appropriate, the addition of an extra storey.
- Historical conversion is the complete renovation, addition and transformation of an existing non-heritage building so that it closely resembles an identified "Heritage" style. This approach would be preferred for an unsympathetic or irrevocably altered non-heritage building.

- 2.2 Because most, if not all, of the proposed alterations to the subject building do not seek to enhance the Split-Level Ranch style, as described in the K-N HCD Guidelines and Plan, Cultural Services has categorized the proposed alterations as applying the Historical Conversion approach.

2.3 Design Requirements – Colonial Revival

To meet the requirements of the Kleinburg-Nashville HCD Guidelines for historical conversion the Colonial Revival architectural style, which includes the use of dormer features, second storey additions over incorporated garages and traditional portico features has been applied to the subject design.

Colonial Revival style is a 1920s-30s emulation of the Georgian and Loyalist architectural styles, as described in the Kleinburg-Nashville Heritage Conservation District Guidelines.

- 2.4 Cultural Services offers the following analysis and recommendations to ensure that the proposed design is consistent with the Colonial Revival style:

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- 2.4.1 The proposed dormers above the dual garage are much larger than typical Colonial Revival style dormers and as such are not in keeping with the Historical Conversion approach.

Cultural Services recommends the applicant reduce dormer size by 15%

- 2.4.2 The proposed portico entranceway feature is a contemporary suburban style entranceway, not of a traditional style portico, and does not reflect those typically found in Colonial Revival style homes. Full stone porticos are not typical of Colonial Revival style homes.

Cultural Services recommends that the applicant alter entranceway feature to reflect a more traditional portico style and be of historically appropriate materials. (See Appendix Fig. 11)

- 2.4.3 The proposed and existing window styles are not compatible with Colonial Revival style homes, and are not of a historically appropriate style.

Cultural Services recommends that the applicant alter all window styles on the front elevation to reflect a historic style, typically found in Colonial Revival homes, as identified in the Kleinburg-Nashville Heritage Conservation District Guidelines. (See Appendix Fig. 9, 10)

- 2.4.4 The current distribution of stone on the front elevation is not in keeping with the Colonial Revival style, and represents a more contemporary material distribution, not in keeping with the K-N HCD Guidelines and Plan.

Cultural Services recommends that the applicant reduce stone to foundation level, no higher than 2ft. Stone treatment is also to be included at base of front bay window, as part of the foundation, and omitted from the full height of the front entranceway.

**Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

**STRATEGIC GOAL:**

Service Excellence - Providing service excellence to citizens.

**STRATEGIC OBJECTIVES:**

Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

The proposed alterations are not consistent with the Historical Conversion approach as described in the Kleinburg-Nashville Heritage Conservation District Plan and Guidelines. Cultural Services

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has recommended several changes to the subject design, with the intent of encouraging the proposed design to be more in keeping with the Kleinburg-Nashville Heritage Conservation District Guidelines. Cultural Services recommends that these changes be made prior to the approval of the subject application.

**Report prepared by:**

Lauren Archer  
Cultural Heritage Coordinator  
Recreation and Culture Department

Angela Palermo  
Manager of Cultural Services  
Recreation and Culture Department

**8** **HERITAGE PRESERVATION AWARDS**

Heritage Vaughan advises:

That the verbal update provided by Cultural Services staff, be received.

**9** **197 WOODBRIDGE AVENUE**

Heritage Vaughan advises:

That the verbal update provided by Cultural Services staff, be received.

**10** **NEW BUSINESS – 695 NASHVILLE ROAD**

Heritage Vaughan advises:

That Cultural Services staff consult with the Building Standards Department with respect to the non-compliance order relating to the property at 695 Nashville Road.

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The meeting adjourned at 10:00 p.m.

Respectfully submitted,

John Mifsud, Chair

Report Prepared by: John Britto, Assistant City Clerk