

3. **Designation of 860 Colonel By Drive under Part IV of the *Ontario Heritage Act***

**Désignation du 860, promenade Colonel By en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario***

**Planning Committee recommendations as amended**

That Council:

1. **not proceed with the issuance of a Notice of Intention to Designate 860 Colonel By Drive under Part IV of the *Ontario Heritage Act*; and**
2. **approve that staff in Heritage Planning explore options for enhanced heritage protection for the areas covered by the Heritage Overlay on both Colonel By Drive and Queen Elizabeth Driveway, and that the timing of this work be listed as part of the Planning Infrastructure and Economic Development Departmental 2021 workplan report which is to be considered by BHSC in Q1 2021.**

**Recommandations du Comité de l'urbanisme, telles que modifiées**

Que le Conseil :

1. **ne pas publier d'avis d'intention de désigner le 860, promenade Colonel-By en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*; et**
2. **approuve que le personnel de Planification du patrimoine étudie des moyens de mieux protéger le patrimoine du secteur désigné à valeur patrimoniale, sur la promenade Colonel-By comme sur la promenade Reine-Élisabeth, et que l'échéancier de ces travaux soit inscrit dans le rapport sur le plan de travail 2021 de la Direction générale de la planification, de l'infrastructure et du développement économique, rapport qui sera étudié par le Sous-comité du patrimoine bâti au premier trimestre de 2021.**

Documentation/Documentation

1. Manager's report, Right of Way, Heritage and Urban Design Services, Planning, Infrastructure and Economic Development Department, dated May 28, 2020 (ACS2020-PIE-RHU-0013)

Rapport du Gestionnaire, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 28 mai 2020 (ACS2020-PIE-RHU-0013)

2. Extract of draft Minutes, Built Heritage Sub-committee, June 9, 2020

Extrait de l'ébauche du procès-verbal du Sous-comité du patrimoine bâti, le 9 juin 2020

3. Extract of draft Minutes, Planning Committee, June 11, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 11 juin 2020

Report to  
Rapport au:

Built Heritage Sub-Committee / Sous-comité du patrimoine bâti  
June 9, 2020 / 9 juin 2020

and Council / et au Conseil  
June 24, 2020 / 24 juin 2020

Submitted on May 28, 2020  
Soumis le 28 mai 2020

Submitted by

Soumis par:

Court Curry,

Manager / Gestionnaire,

Right of Way, Heritage and Urban Design Services / Services des emprises, du  
patrimoine et du design urbain

Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'Infrastructure et du développement économique

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Ward: CAPITAL (17) / CAPITALE (17)

File Number: ACS2020-PIE-RHU-0013

**SUBJECT:** Designation of 860 Colonel By Drive under Part IV of the *Ontario  
Heritage Act*

**OBJET:** Désignation du 860, promenade Colonel By en vertu de la partie IV  
de la *Loi sur le patrimoine de l'Ontario*

## REPORT RECOMMENDATIONS

**That the Built Heritage Sub-Committee recommend that Council not proceed with the issuance of a Notice of Intention to Designate 860 Colonel By Drive under Part IV of the *Ontario Heritage Act*.**

## RECOMMANDATIONS DU RAPPORT

**Que le Sous-comité du patrimoine bâti recommande au Conseil de ne pas procéder à la diffusion de l'avis d'intention de désigner le 860, promenade Colonel By en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.**

## BACKGROUND

The house at 860 Colonel By Drive is a two and one half storey red brick house constructed in 1908-1909 located at the north end of Ottawa South (see Location Map, Document 1). The property is set back from the edge of the Rideau Canal by a large landscaped buffer and the road. The property was listed on the City of Ottawa Heritage Register in 2017 as a property of Cultural Heritage Value.

### Site History

In 2012 the house was proposed for demolition and replacement. The Department had concerns with the proposed development in terms of its compatibility with the neighbourhood but did not proceed with designation at that time as the previous owner entered into a development agreement and agreed to work with staff to refine the design to make it more compatible with the established character of Colonel By Drive. This development did not proceed, and the property was sold.

In 2013, as a result of a zoning study undertaken in cooperation with the community, this section of Colonel By Drive between Bank Street and Bronson Avenue was rezoned to apply the Heritage Overlay under Section 60 of the Zoning By-law in order to protect heritage character along Colonel By Drive.

In 2017 the property was added to the City's Heritage Register as part of the Heritage Inventory Project in recognition of its Cultural Heritage Value. This means that the property owner is required to provide the City with 60 days notice in advance of demolition.

In January 2019 the current property owner made an application to the Committee of Adjustment for minor variances from the Zoning By-law to permit a new house on the

site. In February 2019, heritage planning staff advised the applicant that they must submit 60 days notice in advance of demolition as required by the *Ontario Heritage Act*.

The variances sought at the Committee of Adjustment included:

- a) To permit the demolition of the existing three-storey detached dwelling and permit a new three-storey detached dwelling with a contemporary style, whereas in a Heritage Overlay area the By-law requires that a new building that replaces an existing building must be of the same character, massing/scale, of the existing house prior to its demolition.
- b) To permit a reduced front yard setback of 7.9 metres, whereas the By-law requires a minimum front yard setback of 12.6 metres.
- c) To permit a driveway in the front yard, whereas the front yard pattern provisions of the Mature Neighbourhoods zoning overlay require a fully landscaped front yard (Character Group A).
- d) To permit a three-metre-wide driveway providing access to a garage, whereas the parking and driveway provisions of the Mature Neighbourhoods zoning overlay require no streetscape impact from on-site parking.

The Committee of Adjustment approved the application in part but refused the variance to the Heritage Overlay on March 21, 2019. The applicant appealed the decision of the Committee of Adjustment to the Land Use Planning Appeal Tribunal (LPAT) and a decision was issued in February 2020 that overturned the Committee of Adjustment decision and granted the variance to the Heritage Overlay. City planning staff appeared at the LPAT hearing under summons, giving evidence that the Department did not have concerns with the demolition, or the variances sought.

This report has been prepared at the request of the ward councillor according to the Council approved procedures regarding the demolition of properties listed on the Heritage Register.

## **DISCUSSION**

In May 2020, the property owner submitted their notice of intention to demolish the building through the "Form for buildings listed on the Heritage Register." Staff acknowledged the notice of demolition and the 60-day timeline required under the *Ontario Heritage Act* expires on June 27, 2020. Per the Council approved procedures, staff advised the ward councillor and the Chair of Built Heritage Sub-Committee of the

notice of intention to demolish. Staff advised that a report regarding designation would not be brought forward unless requested. The ward councillor requested a report be brought forward for consideration of committee and council.

### **Cultural Heritage Value**

Staff researched and evaluated the property using the criteria in Ontario Regulation 09/06 (Document 2) for designation under the *Ontario Heritage Act*. A property may be designated under Part IV of the OHA if it meets at least one of the three criteria: design/physical value, contextual value and associative/historical value. The full evaluation is available in the Heritage Survey Form, attached as Document 3.

#### Design/Physical Value

The design value of 860 Colonel By Drive lies in it being a representative example of Edwardian Classicism, an architectural style characterized by its simple classically-inspired details that was used extensively across Canada in the early 20<sup>th</sup> century.

#### Historical/Associative Value

The house has limited associative value and staff have determined that it does not meet the criteria for historical value under O. Reg. 09/06.

#### Contextual Value

The contextual value of the property lies in its being one of a group of houses along the Rideau Canal in Ottawa South situated on the crest of the hill to take advantage of views of the canal and as representative example of the early development of houses built for the upper middle classes in Ottawa South. The property is not a landmark in the community.

### **Conclusion**

The house at 860 Colonel By Drive narrowly meets the criteria for designation under Ontario Regulation 09/06 and staff do not believe that it is a strong candidate for designation. The heritage values embodied in this building as a representative example of Edwardian Classicism and an early upper middle class house along the Rideau Canal are well represented in other buildings that are either designated, subject to the requirements of the Heritage Overlay or listed on the City of Ottawa Heritage Register.

The department is recommending that Council not initiate the designation of this property. The property has been through a series of development approvals dating back

to 2012 when the building was first proposed for demolition. Staff have previously indicated that there was no intention to initiate the designation process for this property. Staff believe that it is inappropriate to move to designate this property at this point in the development process.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement of 2014 and 2020.

### **RURAL IMPLICATIONS**

There are no rural implications.

### **CONSULTATION**

The property owner is aware of and objects to the proposed designation.

Heritage Ottawa and the Ottawa South Community Association have been advised of this report.

### **COMMENTS BY THE WARD COUNCILLOR**

The Ward Councillor is aware of the recommendation related to this report.

### **LEGAL IMPLICATIONS**

There are no legal implications with respect to not bringing forward the Notice of Intent to Designate.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no direct asset management implications associated with the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## ACCESSIBILITY IMPACTS

There are no accessibility impacts.

## TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- **Service Excellence Through Innovation:** Deliver quality bilingual services that are innovative and continuously improve to meet the needs of individuals and diverse communities.

## APPLICATION PROCESS TIMELINE STATUS

The statutory 60-day notice period under the *Ontario Heritage Act* expires on June 27, 2020.

## SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Ontario Regulation 09/06

Document 3 Heritage Survey Form

## DISPOSITION

If Council approves the recommendation, no further steps are required. If Council proceeds with the issuance of a Notice of Intention to Designate:

Heritage Planning Branch, Planning Infrastructure and Economic Development Department to prepare the Notice of Intention to Designate. Office of the City Clerk, Council and Committee Services to notify the property owner and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision to issue a Notice of Intention to Designate 860 Colonel By Drive under Part IV of the *Ontario Heritage Act*.

Heritage Planning Branch, Planning Infrastructure and Economic Development Department to ensure publication of the Notice of Intention to Designate in the newspaper according to the requirements of Section 29 the *Ontario Heritage Act*.

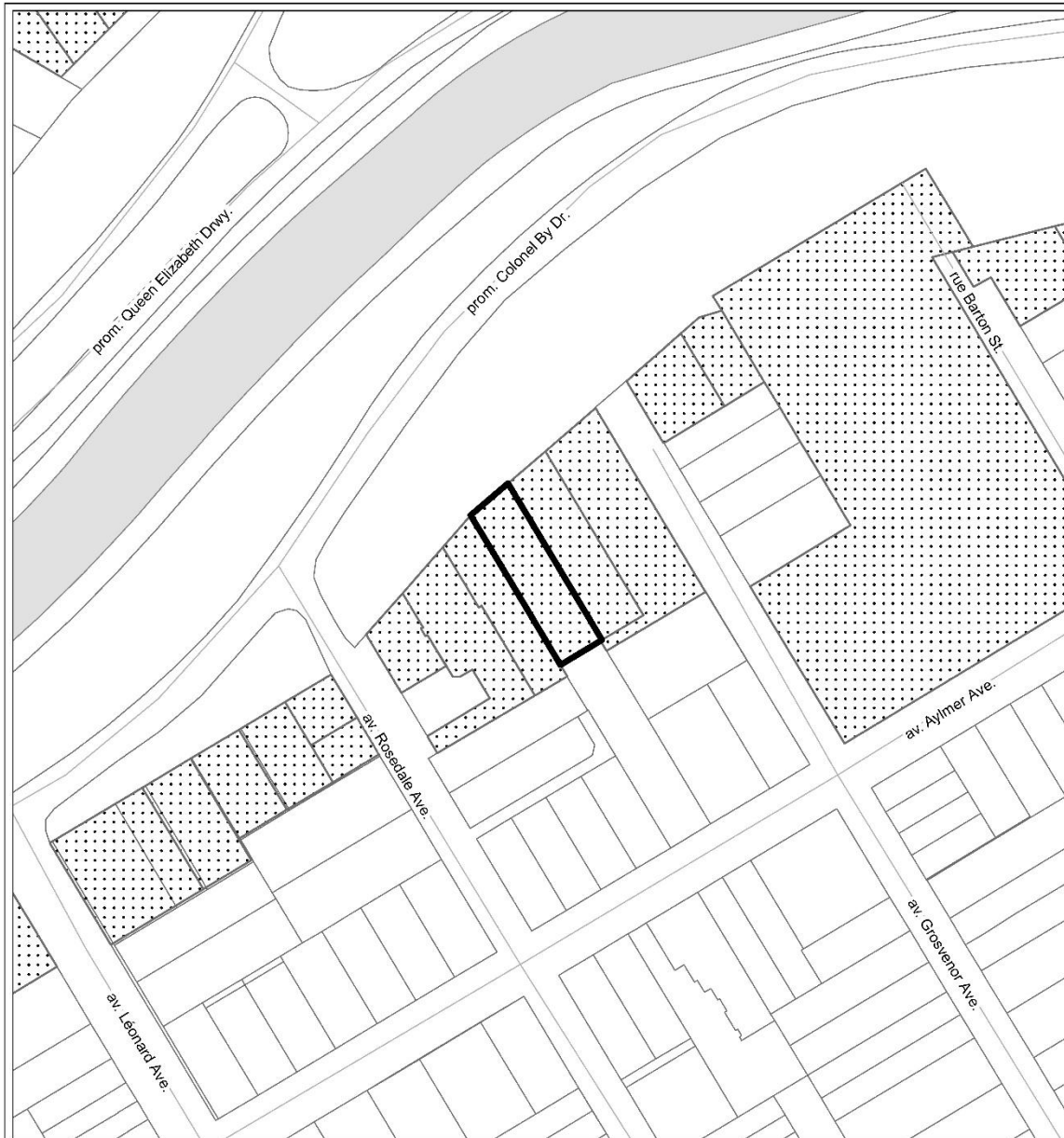
If the City Clerk does not receive any Notice of Objection within thirty days of the publication of the Notice of Intention to Designate, Heritage Planning Branch, Planning,







Infrastructure and Economic Development Department, to prepare the designation by-law, under the authority of the approval of this report and Legal Services to submit to City Council for enactment. Office of the City Clerk, Council and Committee Services to cause a copy of the by-law together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, to be served on the owner of the property and on the Trust according to the requirements of the *Ontario Heritage Act*.

Legal Services to cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property to be registered against the property affected in the land registry office. Heritage Planning Branch, Planning, Infrastructure and Economic Development Department to ensure publication of the notice of the by-law in the newspaper according to the requirements of the *Ontario Heritage Act*.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
D09-01-COL860	20-0397-B		
I:\CO\2020\Heritage\ColonelBy_860			
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers          All rights reserved. May not be produced without permission          THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc.          et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit          sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2020 / 05 / 21		 860 prom. Colonel By Dr.	 Heritage (Section 60) Patrimoine (Article 60)
			 <small>NOT TO SCALE</small>

**Document 2 – Ontario Regulation 09/06**

***Ontario Heritage Act***

**ONTARIO REGULATION 9/06**

**CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST**

**Consolidation Period:** From January 25, 2006 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

**CRITERIA**

1. (1) The criteria set out in Subsection (2) are prescribed for the purposes of Clause 29 (1) (a) of the *Act*. O. Reg. 9/06, s. 1 (1).
- (2) A property may be designated under Section 29 of the *Act* if it meets one or more of the following criteria for determining whether it is of Cultural Heritage Value or interest:
  1. The property has design value or physical value because it,
    - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
    - ii. displays a high degree of craftsmanship or artistic merit, or
    - iii. demonstrates a high degree of technical or scientific achievement.
  2. The property has historical value or associative value because it,
    - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
    - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or

- iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
- i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

## **TRANSITION**

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under Subsection 29 (1.1) of the *Act* on or before January 24, 2006. O. Reg. 9/06, s. 2.

**Document 3 – Heritage Survey and Evaluation Form**

Prepared By: Lesley Collins

Date: 2012/ 2020

Building Name and Address:

860 Colonel By Drive

Construction Date: 1908-09

Original Owner: Frederick Durnford



**CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE/ INTEREST**

	<b>Yes</b>	<b>No</b>
<b>Design Value</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Historical Value</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Contextual Value</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets one of more of the above criteria. Ontario Regulation 09/06

## **Design or Physical Value**

### **Architecture**

Is the property a rare, unique, representative, or early example of a style, type, expression, material or construction method?      YES       NO

860 Colonel By Drive is a two-and-a-half storey red brick house with a hipped roof and high stone foundation. The front façade features a two-storey rectangular bay with a gable. The gable features bargeboard and returned eaves and a round headed window. The large rectangular windows feature stone sills and simple brick voussoirs. The front façade of the house also features a two-storey porch with round columns, and dentilled cornice, capped with a pediment. 860 Colonel By Drive has deep overhanging eaves and a red brick chimney. There is a one storey addition at the rear of the building.

This house is a representative example of Edwardian Classicism, used extensively across Canada for domestic architecture from 1900 until the 1930s. The style features elements of the eclectic styles of the 19<sup>th</sup> century, such as the Italianate and Queen Anne Revival, but these styles are simplified, and classical elements introduced. For instance, 860 Colonel By Drive has a hipped roof typical of Queen Anne Revival but is simpler and does not feature the dormers and multiple gables typical of the Queen Anne. The building also features classical elements such as the pedimented porch.

Windows are large, and front facades often feature a frontispiece or simple bay window in Edwardian Classicist buildings. They typically feature smooth unembellished brick work, without the elaborate panels, and decorative brickwork associated with Queen Anne Revival buildings. Edwardian Classicism was a transitional style, bridging the gap between the highly picturesque, decorated buildings of the 19<sup>th</sup> century and the rational, symmetrical structures later in the 20<sup>th</sup> century.

### **Craftsmanship/Artistic Merit**

Does the property display a high degree of  
craftsmanship or artistic merit?

YES       NO

The property at 860 Colonel By Drive is a simple but well-crafted house typical of the Edwardian Classicist style in Ottawa.

**Technical/Scientific Merit**

Does the property demonstrate a high degree of technical or scientific achievement?

YES  NO

N/A

**Historical and Associative Value**

**Date of Construction: 1908-09**

**Historical Associations**

Does the property have direct associations with a theme, event, belief, person, activity organization or institution that is significant to a community?

YES  NO

860 Colonel By Drive was built between 1908 and 1909. The building is listed in the Ottawa City Directory of 1908 as "unfinished house". In 1909 it is occupied by its first owner Frederick Durnford, a Civil Engineer with the federal government. The building had many owners through its history, mainly civil servants in the provincial and federal governments.

Between 1914 and 1925 the house was occupied by Douglas H.B. Roberts, his mother Mary Roberts and his sister Edith Roberts. Douglas Roberts was the son of Confederation Poet Sir Charles G.D. Roberts. Douglas Roberts moved to Ottawa to work for the Department of National Revenue in 1911 after spending three years in France with his father. Roberts, a life-long civil servant, lived at 860 Colonel By Drive with his mother and sister until his marriage in 1925 when they moved to an apartment at 108 The Driveway. After Douglas Roberts married, his mother Mary and sister Edith remained in the house until Mary's death in 1929.

In 1934 the house was sold to Frank and Genevieve McDonald who lived in the house until the late 1960s. Frank and Genevieve McDonald were the longest residents of 860 Colonel By Drive. Frank McDonald was an Inspector with the Separate School Board and the Ontario Department of Education. Other residents of the house included civil servants, insurance executives and salesmen.

The history of the residents of 860 Colonel By Drive is typical of this type of house in Ottawa, as it was occupied by members of the upper middle class who contributed to Ottawa's development but who individually are not significant to the community.

### **Community History**

Does the property yield, or have the potential to yield, information that contributes to an understanding of a community or culture? YES  NO

While the house at 860 Colonel By Drive was not constructed until the early 20<sup>th</sup> century, this area was subdivided in 1872 through Plan 36 that was registered on September 18, 1872. This plan was called "Rideauville" and encompassed the area between Bank Street and Bronson Avenue (then Concession Road) and between the Canal and what is now Woodbine Avenue (then Lisgar Street). Growth in this area was slow but began to pick up after 1907 when the area was annexed by the City of Ottawa. Growth in Old Ottawa South was further encouraged by the arrival of the Ottawa Electric Railway tram which was extended south of Lansdowne Park after the completion of the Bank Street Bridge in 1913. By that time, the crest of the hill above the Rideau Canal was lined with large Edwardian Classicist houses and the Perley Home for Incurables was under construction between and Grosvenor Avenue and Barton Street. The development of a series of larger houses facing the Rideau Canal and the government driveway demonstrates an expanding upper middle class interested in the city's new suburbs.

The property at 860 Colonel By Drive is a representative example of the substantial brick houses built by members of Ottawa's growing professional class in the early 20<sup>th</sup> century.

### **Representative Work**

Does the property demonstrate or reflect the work or ideas of an architect, artist, building, designer or theorist who is significant.

to a community? YES  NO

The architect or designer of the property is unknown.



## Contextual Value



## Community Character

Is the property important in defining, maintaining, or supporting the character of the area? YES  NO

860 Colonel By Drive is located in the Ottawa South neighbourhood, an established neighbourhood south of the downtown core. It is characterized by a mixture of housing types with a concentration of larger houses along the edge of Colonel By. The presence of the Rideau Canal and its adjacent parkland prompted a demand for middle class housing in the early 20<sup>th</sup> century.

## Context

Is the property physically, functionally, visually or historically linked to its surroundings? YES  NO

The house at 860 Colonel By Drive was one of a group of large Edwardian Classicist houses constructed between Rosedale Avenue and Galt Street on Echo Drive in the early 20<sup>th</sup> century. They were located high on the crest of the hill to take advantage of the views across the Rideau Canal. The Perley Hospital was demolished and replaced by another institutional building, the Colonel By Retirement Residence, in the late 1990s.

Development west of Rosedale progressed throughout the 20<sup>th</sup> century, with some lots not being developed until after the Second World War. In the last 10 years, a number of older houses have been demolished, but the residential and institutional mixed character of the ridge persists.

### **Landmark**

Is the property a landmark?

YES

NO

The house at 860 Colonel By Drive is essentially hidden from the street through its setback from the street, mature trees and location on a slope. It is not a landmark on Colonel By Drive

### **Sources**

Adams Coldwell, John. Sir Charles God Damn: The life of Sir Charles G.D. Roberts. University of Toronto Press. 1986.

Blumenson, John. Ontario Architecture, A Guide to Styles and Building Terms Fitzhenry and Whiteside. 1990.

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Ottawa City Directory 1908-1973

Ricketts, Maitland, Hucker. A Guide to Canadian Architectural Styles. Broadview Press Ltd. 2004.