

Application to Demolish 323 Daly Avenue, a property designated under Part V of the *Ontario Heritage Act* and Located in the Daly Avenue Heritage Conservation District

Demande de démolition du 323, avenue Daly, une propriété désignée en vertu de la partie V de la *Loi sur le patrimoine de l'Ontario* et située dans le district de conservation du patrimoine de l'avenue Daly

Committee Recommendations

That Council:

- 1. Approve the application to demolish the building at 323 Daly Avenue, dated February 2, 2022, conditional upon:
 - a. The applicant providing a salvage plan to staff in Building Code Services and Heritage Planning that identifies opportunities for the retention of existing building material where possible.**
 - b. That until the time of the construction of a replacement building, the registered Owner shall landscape the property to the satisfaction of the General Manager of Planning, Real Estate and Economic Development Department. The registered Owner shall prohibit the use of the property for other interim uses and maintain the property in accordance with the Property Standards By-law.****
- 2. Suspend the notice required under Subsections 29(3) and 34(1) of the Procedure By-law to consider this report at its meeting on February 9, 2022.**
- 3. Exempt the subject property (323 Daly Avenue) from the requirements of the Demolition Control By-law, 2012 (2012-377).**

Recommandations du Comité

Que le Conseil :

- 1. Approuve la demande de démolition du bâtiment situé au 323, avenue Daly, datée du 2 février 2022, sous réserve des conditions suivantes :**
 - a. Que le requérant fournisse au personnel des Services du Code du bâtiment et de la Direction de la planification du patrimoine un plan de sauvetage faisant état des possibilités de conservation, dans la mesure du possible, des matériaux du bâtiment historique.**
 - b. Que, d'ici la construction du nouveau bâtiment, le propriétaire inscrit réalise l'aménagement paysager de la propriété, à la satisfaction du directeur général de Planification, Biens immobiliers et Développement économique; il devra également interdire l'utilisation de la propriété à d'autres fins provisoires et entretenir celle-ci conformément au Règlement sur les normes d'entretien des biens.**
- 2. Sursoie à l'avis exigé en vertu des paragraphes 29(3) et 34(1) du Règlement de procédure, afin que le Conseil puisse examiner le présent rapport à sa réunion du 9 février 2022.**
- 3. Dispense la propriété visée (323, avenue Daly) des exigences du Règlement sur le contrôle des démolitions de 2012 (2012-377).**

Documentation/Documentation

1. Acting Manager's report, Right of Way, Heritage and Urban Design Services, Planning, Infrastructure and Economic Development Department, dated February 7, 2022 (ACS2022-PIE-RHU-0006)

Rapport du Gestionnaire par intérim, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 7 février 2022 (ACS2022-PIE-RHU-0006)
2. Extract of draft Minutes, Built Heritage Sub-Committee, February 8, 2022

Extrait de l'ébauche du procès-verbal, Sous-comité du patrimoine bâti, le 8 février 2022

**Built Heritage Sub-Committee
Report 24
February 9, 2022**

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**Sous-comité du patrimoine bâti
Rapport 24
Le 9 février 2022**

**Subject: Application to Demolish 323 Daly Avenue, a property designated under
Part V of the *Ontario Heritage Act* and Located in the Daly Avenue
Heritage Conservation District**

File Number: ACS2022-PIE-RHU-0006

Report to Built Heritage Sub-Committee on 8 February 2022

and Council 9 February 2022

**Submitted on February 7, 2022 by Kevin Lamer, Acting Manager, Right of Way,
Heritage and Urban Design Services, Planning, Real Estate and Economic
Development Department**

Contact Person: Anne Fitzpatrick, Planner III, Heritage Planning Branch

613-580-2424,25651, Anne.Fitzpatrick@ottawa.ca

Ward: RIDEAU-VANIER (12)

**Objet : Demande de démolition du 323, avenue Daly, une propriété désignée
en vertu de la partie V de la *Loi sur le patrimoine de l'Ontario* et
située dans le district de conservation du patrimoine de l'avenue
Daly.**

Dossier : ACS2022-PIE-RHU-0006

Rapport au Sous-comité du patrimoine bâti

le 8 février 2022

et au Conseil le 9 février 2022

**Soumis le 7 février 2022 par Kevin Lamer, Gestionnaire par intérim, Services des
emprises, du patrimoine et du design urbain, Direction générale de la
planification, de l'immobilier et du développement économique**

Personne ressource : Anne Fitzpatrick, Urbaniste III, Planification du Patrimoine

613-580-2424,25651, Anne.Fitzpatrick@ottawa.ca

Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATIONS

That the Built Heritage Sub-Committee recommend that Council:

- 1. Approve the application to demolish the building at 323 Daly Avenue, dated February 2, 2022, conditional upon:**
 - a. The applicant providing a salvage plan to staff in Building Code Services and Heritage Planning that identifies opportunities for the retention of existing building material where possible.**
 - b. That until the time of the construction of a replacement building, the registered Owner shall landscape the property to the satisfaction of the General Manager of Planning, Real Estate and Economic Development Department. The registered Owner shall prohibit the use of the property for other interim uses and maintain the property in accordance with the Property Standards By-law.**
- 2. Suspend the notice required under Subsections 29(3) and 34(1) of the *Procedure By-law* to consider this report at its meeting on February 9, 2022.**
- 3. Exempt the subject property (323 Daly Avenue) from the requirements of the Demolition Control By-law, 2012 (2012-377):**

RECOMMANDATIONS DU RAPPORT

Que le Sous-comité du patrimoine bâti recommande ce qui suit au Conseil :

- 1. Approuver la demande de démolition du bâtiment situé au 323, avenue Daly, datée du 2 février 2022, sous réserve des conditions suivantes :**

- a. **Que le requérant fournisse au personnel des Services du Code du bâtiment et de la Direction de la planification du patrimoine un plan de sauvetage faisant état des possibilités de conservation, dans la mesure du possible, des matériaux du bâtiment historique.**
 - b. **Que, d'ici la construction du nouveau bâtiment, le propriétaire inscrit réalise l'aménagement paysager de la propriété, à la satisfaction du directeur général de Planification, Biens immobiliers et Développement économique; il devra également interdire l'utilisation de la propriété à d'autres fins provisoires et entretenir celle-ci conformément au Règlement sur les normes d'entretien des biens.**
2. **Surseoir à l'avis exigé en vertu des paragraphes 29(3) et 34(1) du Règlement de procédure, afin que le Conseil puisse examiner le présent rapport à sa réunion du 9 février 2022.**
3. **Dispenser la propriété visée (323, avenue Daly) des exigences du Règlement sur le contrôle des démolitions de 2012 (2012-377).**

BACKGROUND

The building at 323 Daly Avenue is a two-and-a-half-storey, wood frame, brick clad structure with a gable roof. The property is located on the north side of Daly Avenue between Augusta and Chapel Streets. The building was constructed between 1904-1907, with additions added in 2007 (Documents 1-2).

The building is designated under Part V of the *Ontario Heritage Act* as part of Daly Avenue Heritage Conservation District, which was designated in 1982 and has cultural heritage value for its association with the early development of Ottawa as the national capital, its rich architectural character and for its many prominent citizens.

The building is an excellent example of a Queen Anne Revival residence, which features a sloped roof with projecting eaves and decorative supporting brackets, an angled bay window, oriel windows and a large porch that extends across the front

facade. It is identified as a Category 1 building, which means makes a significant contribution to the cultural heritage value of the HCD (Document 3).

In November 2018, the building was added to the Heritage Watch List, which monitors designated heritage buildings that are vacant or at risk. The property was vacant as the owner was undertaking a long-term restoration of the structure. No orders related to the restoration of heritage attributes had been issued and the building was in a good state of repair.

On November 30, 2021, the building suffered extensive damage from a fire. This report has been prepared because applications for demolition in heritage conservation districts designated under Part V of the *Ontario Heritage Act* require the approval of City Council.

DISCUSSION

Application Overview: Fire

The application is to demolish the building at 323 Daly Avenue, which was damaged by a fire on November 30, 2021. The building is constructed of two-wythe brick walls on a rubble stone foundation. The interior framing is rough-cut wooden joists with lath and plaster finishes on the ceilings and walls.

As outlined in the attached engineering studies (Documents 4-7), the damage from the fire has compromised most of the wood structure, including the floor joists and load bearing walls, above the first floor. The existing roof structure was severely damaged and has failed. The exterior brick walls appear to be undamaged by the fire, with a possible exception of the south gable and below the eaves at the southwest corner. Overall, the stone foundation appears in good condition. In terms of architectural elements, the front porch has minor localized damage at the spandrel. The bay window on the southern gable is severely damaged. Similarly, the bargeboard at the peak of the

gable and along the west slope have been destroyed. Almost all windows, with the exception of those on the rear addition, have been destroyed or heavily damaged.

Engineering Studies and Reports

Following the fire, the Chief Building Official issued orders to stabilize the building. The City requested a building condition assessment by a professional engineer and the applicant submitted an Engineering Assessment from DFA Engineering Services Inc. (Document 4) which provides the following analysis:

The second-storey floor structure is completely compromised and highly unstable. The areas that have not yet collapsed are in a critical state and at risk of collapse..... The roof and floor above the second storey are likely heavily compromised, and as such, are at risk of collapse under environmental loading... With the loss of the floor and roof diaphragms, the exterior brick walls have become slender and destabilized, and pose a risk of collapse under environmental loads

The report concludes:

Based on the above, it is our opinion that the building poses an immediate risk of collapse and should be demolished immediately in a controlled manner. Shoring of the structure is not feasible, and likely cannot be undertaken on the east side due to the proximity of the neighbouring building.

Following the submission of this report, because of the heritage designation of the building, Building Code Services had the report peer reviewed by John Cooke and Associates Ltd. (JCAL) (Document 5). The report, submitted on December 23, agreed with most of the observation of DFA Engineering Services Inc., but disagreed with the final recommendations requiring the demolition of the building and instead indicated the building could be stabilized if the following intervention was undertaken immediately:

The following immediate action is required to ensure the building's stability while a conservation plan for the site's future is established. It is important that this

work be completed before significant snow accumulation occurs, which can be expected in the very short term.

1. A contractor must access the failed roof by aerial lift and, under the guidance of a structural engineer, determine what material is unstable. Any unstable material must be removed, and the roof must be temporarily reinforced with new framing members.
2. The holes in the roof must be enclosed to prevent moisture and snow infiltration. It is recommended that the following additional work be completed at the same time.
 - The chimney should be inspected to determine whether it is structurally stable, or if it must be dismantled for the safety of the contractors. It may be necessary to install additional lateral bracing for support.
 - The south windows should be enclosed with plywood; then temporary heat should be installed and maintained. If the structure is to be conserved, rather than demolished, it will be necessary to replace the wood framing above the first floor. The existing interior wood framing should be carefully demolished and rebuilt at the second and third floor level. Interior partition stud walls above the ground floor should be reconstructed

On January 14, Building Code Services issued an Order to Remedy an Unsafe Building and an Order Requiring Tests and Samples, which identified stabilization and security measures that must be undertaken. The applicant subsequently made applications to demolish the building under both the *Building Code Act* and *Ontario Heritage Act*. In support of these applications, the applicant also submitted two additional assessments from DFA Engineering Services Inc. and Pilette Forensic Engineering (Documents 6 and 7) that indicate the building should be demolished as soon as possible. The City requested a peer review of these two additional studies from JCAL. The peer review from JCAL had not been formally submitted at the time of this report but informally JCAL reiterated their original findings to staff. The engineering reports are generally consistent in the assessment of the extent damage to the building, but the JCAL report proposes a stabilization approach as opposed to immediate demolition.

Recommendation 1:

In December, the JCAL report confirmed that the building did not need to be immediately demolished, which meant the application could go through the heritage permit process and be assessed by staff. In most cases, Heritage Planning staff recommend the stabilization and subsequent restoration of heritage buildings. The stabilization approach recommended in the JCAL report represents best practice in terms of heritage conservation, but it is also complex in terms of logistics, implementation timelines, and associated costs. In this instance, with a building that was extensively damaged by a fire, staff must weigh what is possible and what is practical when making a recommendation to Council. There are several factors to be considered, including:

- **Building condition:** The unstable condition of the building is such that the concern for public safety takes precedence over a potentially lengthy conservation approach.
- **Limited options for stabilization measures:** The extensive interior damage from the fire requires that stabilization and preservation measures only be undertaken from the exterior using scaffolding/shoring/lifts.
- **Access to the site:** The building is located very close, about 1.2 metres, to its neighbour to the east, which makes access for stabilization measures challenging.
- **Timing:** The fire occurred in November, and with winter, comes the increased possibility of snow, wind and rain which can further destabilized the structure.

In addition, beyond the immediate required stabilization, the extensive damage to the building makes the possibility of future restoration challenging. Several heritage attributes were damaged, destroyed or had to be removed as a result of the fire, including the porch (minor damage), the bargeboard (destroyed), the bay window (severely damaged), the upper portion of the south brick gable (damaged) the gable roof (destroyed) and most windows (damaged/destroyed).

The Daly Avenue HCD Plan has a policy that states: Demolition of contributing buildings will not normally be supported. It is staff opinion that the fire at 323 Daly Avenue is a unique situation and as such demolition of the structure is contemplated here for the

reasons mentioned above. An analysis of the applicable HCD policies is included in Document 8.

Taking these factors into account, given the post-fire condition of the building as identified in the engineering reports, and in consultation with City of Ottawa Building Code Services Staff, the Heritage Planning Branch does not object to the proposed demolition.

Through the engineering reports and on-site photos from Building Code Services, the building has been documented. This information will be deposited at the City of Ottawa Archives. Staff have included a condition that the applicant be required to submit a salvage plan to the satisfaction Heritage Planning and Building Code Services, which would address the retention of building materials. The salvage plan will take into consideration what material can be safely recovered from the building and assess the condition of the material for potential future re-use. Staff also included a condition to ensure that the site is maintained in good condition following the demolition of the building.

Any future applications for new construction on this site would be subject to an application under the *Ontario Heritage Act* and the Heritage Overlay, Section 60 of Zoning By-law.

Recommendation 2

This recommendation has been included to allow for this application to be expedited given the condition of the building.

Recommendation 3

The department recommends excluding this property from the Demolition Control process given the short timeline for demolition of the building due to the public safety concern.

Conclusion

Staff have reviewed the application for demolition in accordance with the Daly Avenue HCD Plan. Staff have determined that it meets the applicable policies of the plan, which contemplate demolition in unique situations, such as a fire. In general, the Heritage

Planning Branch does not support the demolition of designated buildings; however, this building suffered significant damage from the fire, which resulted in the loss of many of its heritage attributes. In addition, staff are of the opinion that practical challenges associated with the retention and concerns for public safety outweigh the benefit of protecting the heritage resource. Given the circumstances, the department does not object to the demolition of 323 Daly Avenue.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is not consistent with the Provincial Policy Statement, 2020 as the PPS requires that built heritage resources be conserved. However, this is a unique situation where a building was seriously damaged by a fire. The building will be documented and material from the building will be salvaged where possible.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Heritage Ottawa was notified of this application.

Action Sandy Hill was notified of this application

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendations.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities: Promote safety, culture, social and physical well-being for our residents.

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on 2022-Apr-27

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Photos

Document 3 Heritage Survey Form, 323 Daly Avenue

Document 4 DFA Engineering Services Inc., December 14, Report

Document 5 John G. Cooke and Associates Ltd., December 23, Report

Document 6 Pilette Forensic Engineering, January 28, Report

Document 7 DFA Engineering Services Inc., January 28, Report

Document 8 HCD Evaluation Chart

DISPOSITION

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.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
DO9-01-DALY323	22-0078-X		323 avenue Daly Avenue
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Document 2- Photos

Photo of 323 Daly before the fire



Photos after the Fire





Document 8 – HCD Evaluation Chart

Section of HCD Plan	Applicable Policy (#) and Guidelines (x)	Staff comment
1.4.2 Demolition and Relocation	1. Demolition of contributing buildings will not normally be supported.	Staff do not normally support demolition of buildings. The fire at 323 Daly Avenue is a unique situation and demolition of the structure is contemplated here for the reasons mentioned above.
	2. Any application to demolish a building in the HCD must be accompanied with plans for a replacement building.	Because of the condition of the existing building, there is a time sensitivity with the demolition and new plans are not required. Any new construction on this site will require an application under the Ontario Heritage Act.
	3. Where a building is approved for demolition, the building must be recorded at the direction of Heritage staff and the information should be deposited at the City of Ottawa Archives. In addition, consideration should be given to salvaging historic materials as the building is demolished.	The building has been documented through the engineering studies and photographs which will be shared with the City of Ottawa Archives. A salvage plan, to look for opportunities to salvage historic materials, is being submitted.