



## Staff Report for Heritage Richmond Hill Meeting

**Date of Meeting:** October 11, 2017

**Report Number:** SRPRS.17.159

**Department:** Planning and Regulatory Services

**Division:** Policy Planning

**Subject:** Application to Repeal Designation By-law 73-14  
for 12370 Leslie Street (File No. D12-07280)

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### Purpose:

To seek Heritage Richmond Hill's consideration with regards to the owner's application under section 32(1) of the *Ontario Heritage Act* to repeal the designating by-law (By-law 73-14) for the property located at 12370 Leslie Street.

### Recommendation(s):

- a) That Heritage Richmond Hill recommends to Council that, subject to the execution of a commemoration agreement including appropriate securities with the Town, the application to repeal the designating by-law for 12370 Leslie Street (By-law 73-14) be approved;
- b) That Heritage Richmond Hill recommends to Council that notice of the repeal of Designation By-law 73-14 be provided to the owner and the Ontario Heritage Trust; and,
- c) That Heritage Richmond Hill recommends to Council that upon repeal of Designation By-law 73-14, 12370 Leslie Street be removed from the Municipal Heritage Register.

### Contact Person:

Isa James, Heritage & Urban Design Planner, phone number 905-771-5529 and/or Joanne Leung, Manager of Heritage & Urban Design, phone number 905-771-5498.

### Submitted by:

"Signed version on file in the Office of the Clerk"

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Kelvin Kwan

Commissioner of Planning and Regulatory Services

**Approved by:**

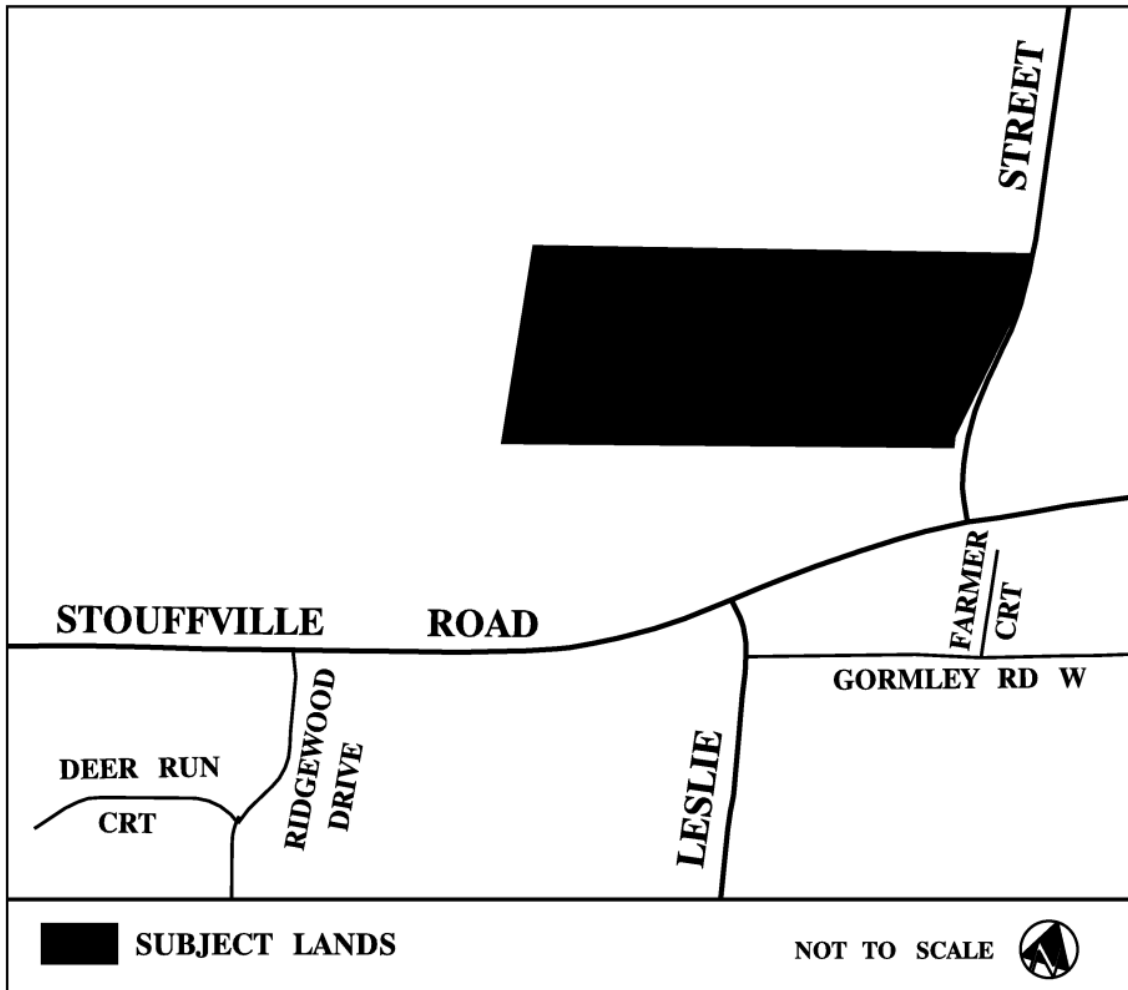
"Original, signed by S. Baker, Commissioner of Community Services, on behalf of the Chief Administrative Officer, is on file in the Office of the Clerk"

Neil Garbe

Chief Administrative Officer

**Location Map:**

Below is a map displaying the property location. Should you require an alternative format, call the contact person listed in this document.



**Background:**

The property at 12370 Leslie Street (formerly the site of the John Leary House) is located north of Stouffville Road on the west side of Leslie Street and has been the subject of a subdivision application (File No. D03-03020) dating back to November 27, 2003.

## **2015 Fire**

On April 28, 2014, Council passed By-law No. 73-14 (see Appendix A) under part IV of the *Ontario Heritage Act*, designating the subject property as being of cultural heritage value or interest. The John Leary House was destroyed due to a fire in the early morning hours of July 3, 2015. Because of the remote location of the house and the over-growth and obstruction of the driveway, the fire department was not able to bring the fire under control until the house had been fully engulfed. As a safety measure, the fire department pushed the remaining walls into the basement after the fire was brought under control (see Appendix B).

On August 25, 2017 the Town received correspondence from the DG Group (agent on behalf of the owner Long Body Homes Inc.) requesting that the Town repeal Heritage Designation By-law 73-14, registered on title to 12370 Leslie Street. The repeal request was submitted on the basis that the heritage attributes identified in the designating by-law no longer exist.

## **Heritage Designation By-law 73-14**

Schedule A of the By-law includes the reasons for designation. The property was considered to meet the physical/design, historical/associative, and contextual value criteria as outlined in Ontario Regulation 9/06.

The building was constructed in circa 1870 by John Leary. It was a representative example of a classic Ontario farmhouse designed in the Gothic Revival style with a T-shaped plan. This style was promoted by the architectural theorists J.C. Loudon and A.J. Downing and included in publications such as the *Canadian Farmer* in 1865 as an efficient country residence that is in keeping with the then fashionable picturesque style (see Appendix C).

The associative value of the property was considered to be primarily in relation to the Leary family who had overseen the construction of the house and were important to the early community around Gormley. In 1873, John Leary donated land for the construction of the Union Church in Gormley, now the Missionary Church. George Leary, the son of John Leary, is also of historical significance as he served as a councillor (from 1923-24 and 1935-41), deputy-reeve (from 1924-26 and 1941-42) and later as reeve (from 1943-45) in Whitchurch Township.

The property was considered to contain contextual value because of the physical and historical links between the residence and its surroundings. The structure had been aligned with the north-looking vista from Leslie Street at Stouffville Road and was considered a landmark. The linear Norway Spruce plantings located to the west of the house related to the earlier laneway access and agricultural use of the property. The trees provided a divider between the residential and agricultural parts of the farmstead and were also a functional windbreak that provided shelter for the residents.

Heritage Designation By-law 73-14 identified the following key exterior and interior attributes that had contributed to the heritage value of the John Leary House:

- the two-storey massing with a T-shaped plan;
- symmetrical east and west gable elevations;
- centre south gable with finial;
- dichromatic brick cladding with red brick quoining and ribbon detailing along the first and second floors;
- gothic lancet window in centre gable;
- circular and chevron brick detailing in east and west gables;
- original two over two sash double hung windows;
- segmental transom over doors;
- segmental arched windows with brick voussoirs;
- the exterior east elevation of the rear wing of the house with its original window openings, porch and porch supports;
- original interior window casings, door casings and baseboards on the first and second floors;
- stone rubble foundation;
- linear Norway Spruce plantings to the west side of the residence;
- the building's location on its original site; and
- the building's landmark terminal views of Leslie Street.

## **Tree Removal**

The Town endorsed the Tree Canopy Compensation Plan submitted in support of the subdivision on March 28, 2017. Norway Spruce trees are a non-native species and are generally considered undesirable in the landscape. The trees were subsequently removed on March 30, 2017.

## **Remaining Cultural Heritage Value of the Property**

Only the historical/associative value of the property as identified in the Designation By-law remains. Commemoration of the history of the Leary family and farm in the Gormley area can no longer be linked to a physical heritage element in the new subdivision. To acknowledge the importance of the cultural history of the land, the design of a commemorative plaque should be commissioned, crafted and installed in the neighbourhood park in the future community (see Appendix D). A commemoration agreement between the owner and the Town incorporating appropriate securities would ensure the installation of the commemorative plaque.

## **Financial/Staffing/Other Implications:**

There are no financial or staffing implications.

## **Relationship to the Strategic Plan:**

A detailed consideration of the heritage merits of the subject property is in keeping with Goal 3 – Outcome 1 of the Strategic Plan which is to “Respect the past through promoting the awareness of the Town’s heritage”.

## **Conclusion:**

The destruction of the heritage attributes listed in the Designation By-law’s Statement of Cultural Heritage Value or Interest seriously undermines the heritage value of 12370 Leslie Street. The remaining historic/associated value will no longer have a focus of physical attachment once redevelopment occurs. Therefore the property can no longer be regarded as a significant cultural heritage asset within the Town. Staff recommend that the historical/associative value of the lands be established through the installation of a commemorative plaque located in the neighbourhood park proposed on the subject lands and that, subject to the owner entering into a secured Commemoration Agreement with the Town, the request to repeal Designation By-law 73-14 be approved.

## **Attachments:**

The following attached documents may include scanned images, with maps and photographs. If you require an alternative format, please call the contact person listed in this document.

- Appendix A – Heritage Designation By-law 73-14 for 12370 Leslie Street
- Appendix B – Fire Investigation #15-09 Report dated July 24, 2015
- Appendix C – Historic Photos of House
- Appendix D – Proposed Commemorative Plaque Location

THE CORPORATION OF THE TOWN OF RICHMOND HILL

**BY-LAW NO. 73-14**

A By-law to Authorize the Designation of  
12370 Leslie Street (*John Leary House*)  
under the *Ontario Heritage Act*

**WHEREAS** Section 29 of the *Ontario Heritage Act, R.S.O. 1990, c.0.18* authorizes the Council of a municipality to enact by-laws to designate real property to be of cultural heritage value or interest;

**AND WHEREAS** the Council of The Corporation of the Town of Richmond Hill has caused to be served on the owners of the lands and premises known as 12370 Leslie Street, Richmond Hill, and upon the Ontario Heritage Trust, notice of intention to so designate the aforesaid real property and has caused such Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality;

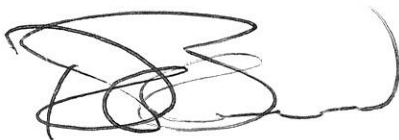
**AND WHEREAS** the Statement of Cultural Heritage Value or Interest and the Description of Heritage Attributes are set out in Schedule "A" and attached to By-law No. 73-14;

**AND WHEREAS** no Notice of Objection to the proposed designation has been served on the Town Clerk within the period prescribed by the *Ontario Heritage Act*;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:**

1. That the real property located at 12370 Leslie Street, being Part of Lot 1, Concession 2, more particularly described as being Part 1 on Plan 65R-30272, Town of Richmond Hill, Regional Municipality of York [PIN No. 03195-2429 (LT)], is hereby designated under Part IV of the *Ontario Heritage Act, R.S.O 1990, Chapter 0.18*, as being of cultural heritage value or interest.
2. That the Clerk is hereby authorized 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, and publish a notice of the By-law in a newspaper having general circulation in the municipality.
3. That the Town Solicitor is hereby authorized to cause a copy of this By-law to be registered against the property in the Land Registry Office.
4. That Schedule "A" attached to By-law No. 73-14 is declared to form a part of this By-law.

PASSED THIS 28<sup>TH</sup> DAY OF APRIL, 2014.



**Mayor** Dave Barrow  
Mayor



**Town Clerk**

Donna L. McLarty

## SCHEDULE "A" TO BY-LAW NO. 73-14

### REASONS FOR DESIGNATION

John Leary House  
12370 Leslie Street

#### **Statement of Cultural Heritage Value or Interest**

The Leary farmhouse located at 12370 Leslie Street is recommended for designation under Part IV of the *Ontario Heritage Act* for physical/design/historical/associative and contextual value.

The building was constructed in c.1870 by John Leary. It is a representative example of a classic Ontario farmhouse designed in the Gothic Revival style with a T-shaped plan. This style was promoted by the architectural theorists J.C. Loudon and A.J. Downing and included in publications including the *Canadian Farmer* in 1865 as an efficient country residence that is in keeping with the then fashionable picturesque style.

The structure contains physical/design value including the understated detailing such as: simple finials in the south gable, a circular header of bricks with chevron patterns in the east and west gables, and a lancet window in the south gable. The two-storey cross gable, symmetrical front façade, lancet window, segmental arched windows, brick voussoirs and decorative brickwork are classic elements of the Gothic Revival style. The brickwork of the house is dichromatic with buff and red brick quoining and ribbon detailing along the first and second floor (now concealed by white paint). The outline of the original bellcast roof porch on the south elevation is visible in earlier photos of the Leary House.

The associative value of the property is primarily in relation to the Leary family who oversaw the construction of the house and was an important part of the early community around Gormley. In 1873, John Leary donated land for the construction of the Union Church in Gormley, now the Missionary Church. George Leary, the son of John Leary is also of historical significance as he served as Councilor (1923-24 and 1935-41), Town Deputy-Reeve (1924-26 and 1941-42) and later as Town Reeve (1943-45) in Whitchurch Township.

The property contains contextual value because it is physically and historically linked to its surroundings. The subject structure is aligned with the end of Leslie Street at Stouffville Road and considered a landmark. The linear Norway spruce plantings located to the west of the house relate to the earlier laneway access and agricultural use of the property. The trees provided a divider between the residential and agricultural parts of the farmstead and were also a functional windbreak that provided shelter for the residents.

#### **Description of Heritage Attributes**

Key exterior and interior attributes that contribute to the heritage value of the Leary Farmhouse include the following:

- the two-storey massing with a T-shaped plan;
- symmetrical east and west gable elevations;
- centre south gable with finial;
- dichromatic brick cladding with red brick quoining and ribbon detailing along the first and second floors;
- gothic lancet window in centre gable;
- circular and chevron brick detailing in east and west gables;
- original two over two sash double hung windows;
- segmental transom over doors;
- segmental arched windows with brick voussoirs;
- the exterior east elevation of the rear wing of the house with its original window openings, porch and porch supports;
- original interior window casings, door casings and baseboards on the first and second floors;
- stone rubble foundation;
- linear Norway Spruce plantings to the west side of the residence;
- the building's location on its original site; and
- the building's landmark terminal views of Leslie Street.

DATE: July 24, 2015

MEMO TO: Fire Chief Steve Kraft

FROM: Fire Investigator Chris Milne, CFEI

SUBJECT: **Fire Investigation #15- 09**  
**12370 Leslie Street**  
**July 3, 2015**

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## INTRODUCTION

The Fire Investigation Unit (FIU) was contacted by Platoon Chief Eric Taverner on Friday July 3, 2015 at approx. 7:00 a.m. and requested to attend an extinguished house fire, located at 12370 Leslie Street, to determine the origin and cause of the fire. The FIU (C. Milne) arrived on scene at approx. 7:30 a.m. PC Taverner, APC Hadwen and fire crews from Stations 8-4 and 8-6 were on scene, along with officers from YRP. Deputy Chief Burbidge arrived on scene shortly thereafter. Fire Investigator T. Tarquini came to assist with the investigation at approx. 9:30 a.m.

The alarm time of this fire occurred at 1:32 a.m. As the home was unoccupied, the fire was not reported until it was observed by a passing motorist. According to the firefighter statements, the fire was fully involved at the time of firefighter arrival. The remote location of the building combined with an overgrown and obstructed driveway entrance hampered response to the scene. Entry into the home was not possible and a defensive attack was mounted. Once the fire was brought under control heavy equipment was used to push the walls into the foundation as a safety measure.

## DESCRIPTION OF SCENE

The vacant two (2) storey structure was located on the West side of Leslie St., just North of Souffville Rd. The structure was set back from the roadway approx. 800 feet in a small clearing surrounded by trees and farmland. The old roadway leading to the structure was overgrown with tree/ bushes and inaccessible to vehicles. According to firefighter statements, there were two (2) large concrete blocks obstructing the driveway entrance. At the time of FIU arrival, these concrete blocks had been pushed aside by town owned heavy equipment. The area is not served by fire hydrants and water had to be shuttled in. High volume hose was run the length of the driveway to provide water to the building.

Records indicate that this structure was an old farm house constructed in 1870 and was designated as a heritage building. The wood frame structure contained a brick veneer. At the time of FIU arrival the structure had fully collapsed/ been knocked down, with the exception of a small wall section at the South- West corner.





## WITNESS STATEMENTS

No witness statements were obtained at the scene. The FIU did contact Peter Murphy of the "D G Group" (416-568-2855) who identified himself as the supervisor for this property. He was informed of the situation and stated that he would send someone to the site to begin assessing and securing it. Mr. Murphy did state that this fire was not going to reflect well on the ownership company as this building was a designated heritage home. The property is slated for development but because of the heritage designation they've been having a difficult time getting the Town of Richmond Hill to approve any development plans.

## SCENE EXAMINATION

Upon FIU arrival the vast majority of the structure had collapsed. Heavy equipment had been brought in by the Platoon Chief to push the structure into itself. Only a section of wall located at the South- West corner remained standing. The basement of the home was full of brick and other fire debris, making entry impossible. There appeared to be neither a natural gas supply to the home nor any electrical hookup. An old hydro meter was found discarded amongst the brush.

Photographs were taken from the perimeter of the building. The only portions of the structure still in-tact were the field stone foundation. The basement of the home was filled with brick and charred wood. Some appliances, such as a hot water tank, could be observed but for the most part the basement appeared empty.



## FIRE ALARM SYSTEM/DETECTION DATA

No information provided.

## SCENE RELEASE STATUS

The FIU left the scene at approx. 11:00 a.m. on July 3, 2015. At that time firefighters were still working to extinguish hot spots and begin clean up. APC Hadwen was in command.

**OTHERS INVOLVED IN INVESTIGATION**

The Office of the Fire Marshal was contacted via telephone to make them aware of the situation. They advised that they would not be attending the scene and that my telephone conversations would be considered a consultation.

**EXHIBITS**

None

**PHOTOGRAPHS**

Digital photographs taken by Fire Investigator Chris Milne.

**FIRE CAUSE**

Undetermined.

**CASE STATUS**

Closed.

**INJURIES**

None.

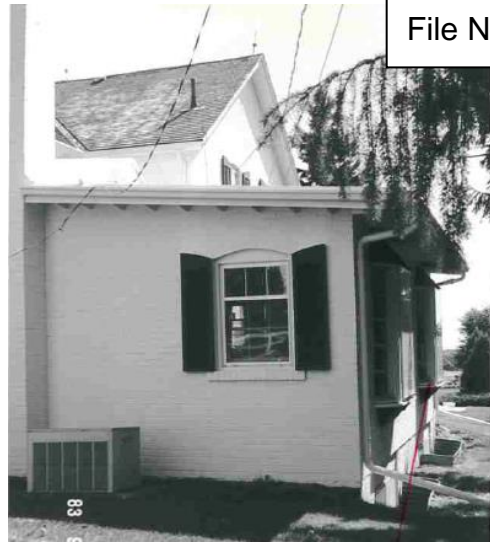
**FIRE FIGHTERS' STATEMENTS**

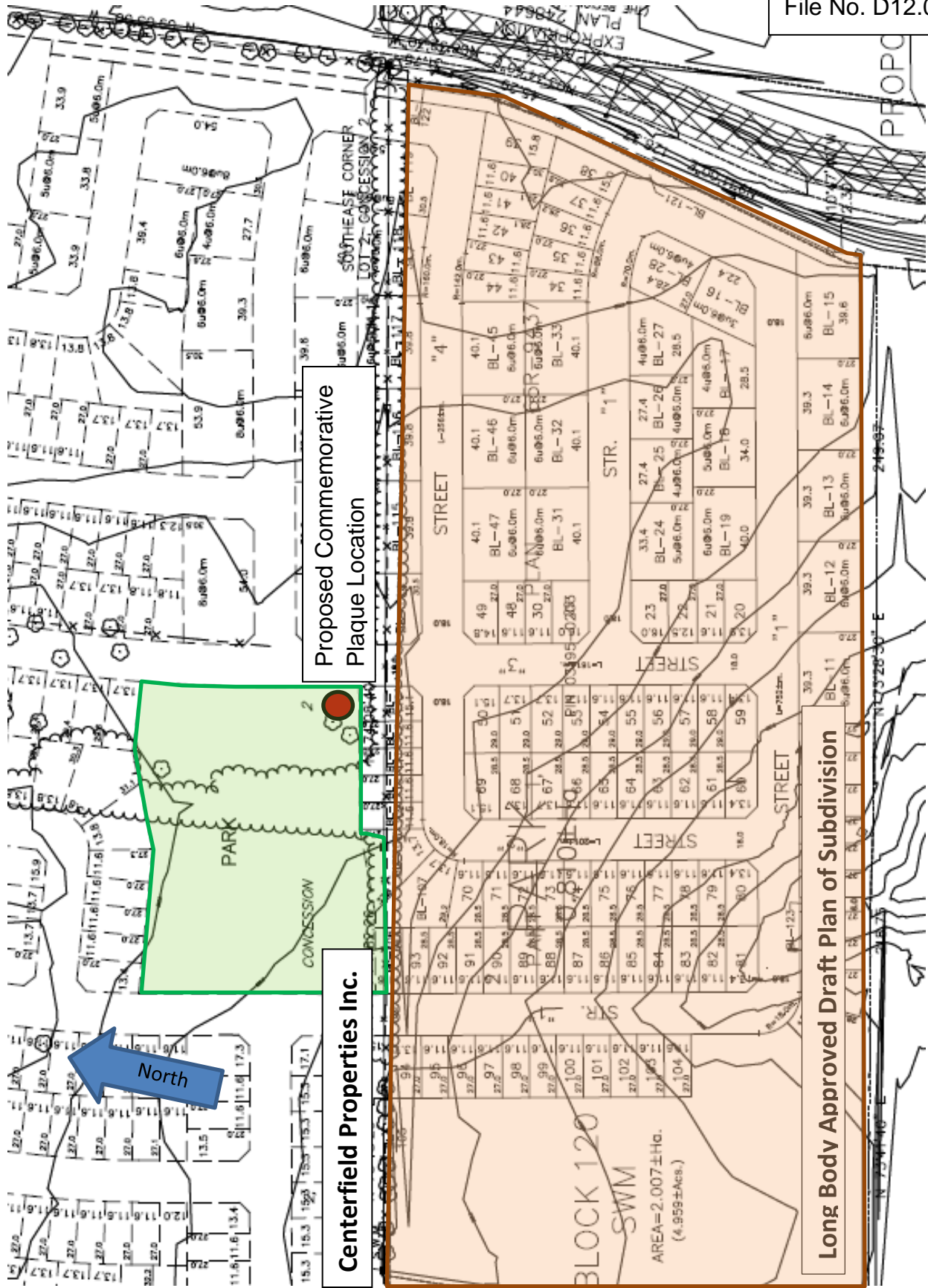
Yes (see attached)       No



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Chris Milne, CFEI





Proposed Commemorative  
Plaque Location

Centerfield Properties Inc.

Long Body Approved Draft Plan of Subdivision



North