

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 24, 2014

CASE NO(S): CRB 1310

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owner/Objector: Arash Development Limited
 Objector: Greg Price
 Subject: Notice of Intention to Designate
 Property Address: 41 Elgin Mills Road East (also known as the William Neal House)
 Legal Description: Lot 59, Judge's Plan 10030
 Municipality: Town of Richmond Hill
 CRB Case No.: CRB1310

Heard: November 17, 2014, at the Town of Richmond Hill, Ontario

APPEARANCES:

Parties

Counsel

Arash Development Limited	Joel D. Farber
Town of Richmond Hill	Alexis Alyea
Greg Price	Self-represented

**REPORT OF THE CONSERVATION REVIEW BOARD DELIVERED BY
STUART HENDERSON AND ROBERT V. WRIGHT**

OVERVIEW

[1] The Town of Richmond Hill (the "Town") seeks to designate 41 Elgin Mills Road East in the Town of Richmond Hill (the "Property"), as a property of cultural heritage value or interest under the *Ontario Heritage Act* (the "Act") and Ontario Regulation 9/06:

Criteria for Determining Cultural Heritage Value or Interest (“Regulation 9/06”). The Property includes the “William Neal House”, a car dealership and a cinder block building that was formerly used as a motor vehicle licensing office. The William Neal House is the only structure on the Property that is referred to in the Description of Heritage Attributes in the Notice of Designation.

[2] Arash Development Limited (the “Owner”) and Greg Price (a resident of Richmond Hill) object to the designation.

[3] A hearing by the Conservation Review Board (the “Review Board”) was convened under s. 29 of the Act for the purpose of reporting to the Town Council the Review Board’s recommendation whether or not the Property should be designated to be of cultural heritage value or interest. For the reasons that follow, the Review Board recommends that the Property be so designated.

BACKGROUND

[4] The Property is on the south side of Elgin Mills Road East, east of Yonge Street, in an Urban Settlement Area under the Town’s Official Plan. The William Neal House is a two-storey residence that is listed on the Town of Richmond Hill’s Inventory of Buildings of Architectural and Historical Importance. A photograph of the William Neal House was put in evidence and is attached as Schedule 1.

[5] At the commencement of the hearing the parties filed an “Agreed Statement of Facts” that is incorporated by reference into this report, copy of which is attached as Schedule 2.

[6] The Agreed Statement of Facts incorporates portions of a report by Goldsmith Borgal & Company Ltd. Report to Armstrong Hunter & Associates, dated August 15, 2007 (the “2007 GBCA Report”) that describes the William Neal House as follows:

Exterior Description

The basic mass is a 2-storey approximately 32' x 50' brick building with a broad-eaved hip roof covered in asphalt shingles. There is a sunroom projecting from the west (front) façade and a rear extension housing the kitchen and garage attached to the rear of the building to the east.

The bricks were laid in "common bond" with headers every sixth course and randomly alternated between dark brown and light brown to create a decorative effect. The first floor is elevated about 40" above the ground on a coursed rough stone base and was originally accessed in the front by three stone steps leading to a porch. The porch is covered by a moderate hip roof supported by columns and surrounded on the three sides by a half wall – as is the case with many buildings of this period, the porch has been enclosed.

The windows are 2/2 sash as is typical for a building of this period and design.

Interior Description

The interior is largely intact from the original with examples of the dark wood trim typical of its date of construction and wood graining on interior doors. The stair newels and the balustrades are original and intact. Some original light fixtures remain. The kitchen has been significantly renovated, with cupboards with plywood doors typical of renovations carried out in the late 1950's and early 1960's period; a fireplace was added in the living room during the same period and a bathroom was added in the early 1950's at the second floor.

...

Condition

Settlement cracks were noted on the south wall and several joists in the basement were observed to have been cracked as a result of structural movement. While the exterior masonry was in good condition in areas where movement had not occurred, exterior wood trim and windows were in only fair to poor condition and the roof shingles have met the end of their service life. The garage addition was found to be in poor condition.

[7] Regarding the history of William Neal and the Town, the Agreed Statement of Facts provides:

- William Neal served on Richmond Hill Council in the 1940s and later as Reeve of the Village of Richmond Hill from 1944 to 1947 and again in 1951.
- He became the first mayor of the Town of Richmond Hill in 1957 and served again in 1963 until 1964. After 1964, William Neal did not hold any public office.
- As a businessman, William Neal opened a Dodge car dealership, and, with his wife, also opened a motor vehicle licensing office.

- His Dodge dealership opened in 1931, on the East side of Yonge Street, just south of Lorne Street, and was one of the first in Canada.
- In 1934, he was appointed Richmond Hill's first and only motor vehicle license issuer, and opened the Town's first motor vehicle licensing office.
- His motor vehicle license office was the first to open north of Steeles Avenue, in what was then mostly rural area.
- William Neal and his family moved to the subject property in 1972.
- He subdivided the subject property into three smaller lots; being the dealership, the licensing office, and subject house, respectively.
- He resided at the house and continued to operate the licensing office at the subject property with his wife into his 70's.
- William Neal passed away on June 15, 1979 at the age of 82.

[8] The agreed procedural history is as follows:

- On August 16, 2012, the Owner filed a Notice of Intention to Demolish the Property.
- The Town's Heritage and Urban Design staff prepared a report (the "2012 Staff Report") that recommended designation of the William Neal House under Part IV of the Act. The recommendation of the 2012 Staff Report was confirmed by Heritage Richmond Hill at its September 25, 2012 meeting.
- On November 5, 2012, the Town's Committee of the Whole received a letter from the Owner's planner withdrawing the Notice of Intent to Demolish the Property until a further evaluation.
- In February 2013 the Owner submitted a Supplementary Heritage Evaluation that was prepared by Joan Burt Architect (the "2013 Burt Report").
- The Town staff provided an additional report to the Committee of the Whole on September 16, 2013. On September 23, 2013, Town Council adopted staff's recommendation for designation of the Property under Part IV of the Act.

[9] On October 10, 2013 the Town of Richmond Hill sent out a Notice of Intention to Designate the Property under Part IV s.29 of the Act. The Owner and Mr. Price filed Notices of Objection with the Town on November 6, 2013 and October 15, 2013, respectively.

[10] Pre-hearing conferences were held by telephone conference calls on April 15 and July 8, 2014.

[11] Notice of the hearing was served by the Review Board on the parties on October 16, 2014, and public notice of the hearing was published by the Town on November 6, 2014 in the *Richmond Hill Liberal*, which has general circulation in the Town.

[12] The hearing was held on Monday, November 17, 2014, in a Committee Room at the Town's offices at 225 East Beaver Creek Road, Richmond Hill.

[13] On the morning of the hearing, the parties and their representatives, and the Review Board panel members, attended a site visit of the Property including the exterior of the William Neal House.

[14] At the hearing, the Town and the Owner called one witness each. Mr. Price testified as well. No other members of the public attended the hearing. A list of the exhibits filed at the hearing is attached as Schedule 3.

RELEVANT LEGISLATION AND REGULATION

[15] *Ontario Heritage Act*

Designation of Properties by Municipalities

Designation by municipal by-law

29. (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,
(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and

(b) the designation is made in accordance with the process set out in this section.

Ontario Regulation 9/06:

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.

ISSUE

[16] The issue is whether the Property should be designated as a property of cultural value or interest under s. 29 of the Act because it has associative value under s. 1.(2)2 of Regulation 9/06.

CASE FOR THE MUNICIPALITY

[17] Matthew Somerville was called as a witness by the Town. He gave oral evidence and filed his witness statement as an exhibit. He has seven years of heritage conservation and urban design/architectural experience. This work included restoring historic structures and architectural and urban renewal. He has been the Town's Heritage and Urban Design Planner since May of 2011, in which position he provides advice on heritage and urban design planning matters. He was qualified by the Review Board as an expert in heritage planning. His qualification as an expert witness was not opposed by the other parties.

[18] Mr. Somerville acknowledged that most of the information that he provided in his evidence, and except as specifically noted, was derived from the various reports of other individuals that are referred to herein.

[19] Mr. Somerville further described the William Neal House as "a brown brick two-storey residence design in a variation of the 'American Foursquare' style" with an interior "Georgian revival plan that provided for a central hall that divided the main floor." According to the 2007 GBCA Report, as noted above, the interior was largely intact in 2007.

[20] While the Notice of Intention to Designate the Property asserts that the Property contains direct architectural and associative/historical value as the home of William Neal, the first Mayor of the Town of Richmond Hill and a businessman who was closely associated with the rising significance of the automobile within Richmond Hill, and that the William Neal House is a variant example of the American Foursquare design aesthetic, the Town did not pursue the architectural value criterion at the hearing.

[21] Mr. Somerville related that the 2007 GBCA Report was peer reviewed by Su Murdoch Historical Consulting, at the Town's request. Her conclusion in her report, dated December 7, 2007, was that the 2007 GBCA Report was limited to "a visual

inspection of the physical structure and its context” and did not consider the appropriate criteria for evaluating the cultural heritage value of interest of the Property. Ms. Murdoch described the 2007 GBCA Report as a preliminary and incomplete evaluation of the property and noted that the report itself recommended further study and assessment.

[22] The procedural steps regarding the Property, beginning in 2012, are set out in the Background above.

[23] Mr. Somerville testified as to his research regarding the associative value of the Property and the Regulation 9/06 criteria. Much of that information is also set out above in the Background. He added that information contained in speeches made at the official opening of the William Neal Park on June 7, 2008, assisted Town staff in becoming aware of the Property’s direct associative value with William Neal.

[24] Mr. Somerville’s opinion is that “the proposed designation of the William Neal House should proceed as it constitutes good heritage planning.” His opinion is based on the reasons provided in the Town staff reports and, in particular, that the Property is “directly associated with William Neal who was both an important business owner within the community, a local Reeve for the Village of Richmond Hill as well as the first mayor of the Town in 1957”. He says that the William Neal House is “the primary physical attribute on the site which directly relates to its associated value.”

[25] Mr. Somerville gave examples of other properties that have been designated as having heritage value, or have heritage significance because they have residences “in which a member of the community of significance lived there at various points in their life and is now either designated or noted as a place of significance.” They are: the Sir Frederick Banting Homestead, Agnes Macphail House, Mackenzie House and the Meighen Estate.

[26] The Frederick Banting Homestead, located in the Town of Alliston, was designated in 2007 for its associative value. Dr. Banting was one of the inventors of insulin, used in the treatment of diabetes. The property was Dr. Banting's birthplace and childhood home. Mr. Somerville said that the Review Board made a finding that his childhood home "influenced his perception of the world and fostered his interest in exploration and science." Mr. Somerville pointed out that his notable achievements occurred after his childhood at the farm.

[27] Mr. Somerville describes Agnes Macphail as "Canada's first female member of Provincial Parliament and female Federal Member of Parliament. Her house at 720 Millwood Road in Toronto was designated for its architectural, associative and contextual value. She lived in the house from 1948 until her death in 1954. Mr. Somerville's evidence was: "Her association with the house was both during and after her primary achievements."

[28] William Lyon Mackenzie was the first Mayor of Toronto in 1837 and a leader of the Upper Canada Rebellion. He lived at 820 Bond Street upon his return to Toronto in 1858, having been exiled as a consequence of his involvement in the rebellion. He died there in 1861. Mr. Somerville said: "While the house is recognised for its historic associative value, due to its ownership by the City of Toronto the municipality has never completed a Part IV designation of the property."

[29] Arthur Meighen became the eighth Prime Minister of Canada in 1921. The Arthur Meighen Estate is located in Perth South. He was born at the farmhouse on the property in 1874 and lived there with his family until 1886. Mr. Somerville said: "Similar to William Neal, Arthur Meighen did not live at the property during the period of his political activity".

[30] Mr. Somerville stated that the William Neal House is the only house remaining that is directly associated with William Neal and that, in his opinion, the Property meets one of the criteria of Regulation 9/06 and, therefore, should be designated under s. 29 of the Act.

[31] On cross-examination, Mr. Somerville said that for the purpose of the associative value criterion it was his opinion that it does not matter if a person lived in a residence before, during or after their tenure as a significant person.

[32] Ms. Alyea submits that the Property should be designated because it meets Regulation 9/06 criteria 1.(2)2.i and ii. Ms. Alyea submits that the Property has a direct association with William Neal, a person who is significant to Richmond Hill, and it yields information that contributes to an understanding of its community.

[33] Ms. Alyea submits that the William Neal House is the last remaining house of the first Mayor of the Town of Richmond Hill. Mr. Neal was a member of Council, Reeve for two terms and the Town's first Mayor in 1964.

[34] In addition, Ms. Alyea argues that Mr. Neal was an important business leader who began the first Dodge dealership and the first motor vehicle licensing office north of Steeles Avenue. The residence is adjacent to his relocated car dealership and licensing office and they are where he conducted business and spent the remaining years of his life. Ms. Alyea argues that Mr. Neal's influence on the development of Richmond Hill did not stop when he ceased to be Mayor and that his influence on the automotive industry continued. She submits that it is not in dispute that Mr. Neal was a significant person in relation to the Richmond Hill community and the disagreement with the Owner is whether he is sufficiently associated within the meaning of the criteria.

[35] Ms. Alyea argues that the Review Board should accept the opinion of Mr. Somerville and that Ms. Burt used a standard of "uniqueness" which is not a requirement of the associative value criterion.

[36] Ms. Alyea further submits that the Property, and its key attribute, the William Neal House, should be protected from future development because it is associated with William Neal as his last residence, which will have more meaning when attached to a residential structure.

CASE FOR ARASH DEVELOPMENT LIMITED

[37] Joan Burt was called as a witness by the Owner. She gave oral evidence and filed as exhibits two reports that she prepared, and a one-page hearing note. She has worked as an architect since 1958 and has particular experience in the restoration of downtown Toronto districts and buildings. She describes the scope of this work to include restoration, dismantling and reconstruction of heritage buildings, restoration of the exterior and interior, and making alterations and additions. She was qualified by the Review Board as an expert in architecture and heritage planning. Her qualification as an expert witness was not opposed by the Town.

[38] The two reports that Ms. Burt prepared are entitled the "Supplementary Heritage Evaluation" dated February 2013, and "Comments Pertaining to SRPRS.13.166" dated September 12, 2013.

[39] Ms. Burt noted that the 2007 GBCA Report and 2012 Staff Report both stated that the building is of "moderate architectural interest" and the Staff Report also does not make reference to contextual value in those reports regarding in its conclusion. Therefore, Ms. Burt states in her Supplementary Heritage Evaluation that it addresses the conclusion that there is direct association with a person and Regulation 9/06 criterion 1.(2)2.i.

[40] Ms. Burt's evidence was that William Neal made significant contributions to the Town through his business and civic activities in the period of 1931 to 1963. It is her evidence that Dominion House at 59, 61 and 65 Yonge Street South, the location of his Dodge dealership (one of the first in Canada), and his motor vehicle licensing office (the first north of Toronto), is the property with a strong association with the work or life of William Neal. Dominion House itself, formerly Dalby's Tavern, was demolished (the date was not specified in the evidence).

[41] Ms. Burt's research further indicates that William Neal lived at residences on Yonge Street South at various dates between 1944 and 1963, when he was Reeve and the Mayor of Richmond Hill. It is her opinion: "These are the residences that have a strong or special association with the life of William Neal." She goes on to state that it was likely in 1972 that he moved the car dealership to the south-east corner of Yonge Street and Elgin Mills Road East and moved his family residence to an existing farm house at 41 Elgin Mills Road East.

[42] Ms. Burt states in her Supplementary Heritage Evaluation report: "There is no direct association of the property with the significance of William Neal. He moved to this farmhouse in 1972 sometime after he was Mayor of Richmond Hill. The house was not involved nor did it contribute to his activities as Mayor." It is also her evidence that the William Neal House is not "uniquely" associated with the automobile industry nor automotive history of Richmond Hill. In her opinion "41 Elgin Mills does not meet the Criteria for Designation based on associative value, in this case, direct association with a person, William Neal."

[43] In her report, Ms. Burt contrasted the situation here with the Heritage Tool Kit example of the house of the 13th Mayor of Peterborough. It was the residence of the Mayor while he held that office, as well as being where he entertained the elite of his constituency for 40 years. She says in that case: "The association between the person and the building is direct, strong, and clear."

[44] In her “Comments” report Ms. Burt compares the situation in this case with the Sir Frederick Banting Homestead, Agnes McPhail House, and Mackenzie House, examples for which Mr. Somerville gave evidence.

[45] Ms. Burt distinguishes the Review Board’s designation of the Banting homestead on the basis “that there was a clear connection between the farm, Banting and the discovery of insulin” whereas there is no evidence that the William Neal House at 41 Elgin Mills Road East “contributed in any way to Neal being Mayor of Richmond Hill.”

[46] Ms. Burt distinguishes the Review Board’s recommendation to designate the Agnes McPhail House because it is “the house that she occupied during her significant contributing years”, whereas William Neal did not occupy the subject house when he was Mayor or when he first opened his car dealership. In addition, it was designated for architectural, associative and contextual value.

[47] Ms. Burt distinguishes the Mackenzie House as it has not been designated and, therefore, not known for what value(s) it would be designated, e.g., for its architectural, associative or contextual value.

[48] Ms. Burt’s opinion is that “direct association” as the term is used in the Act requires a “more meaningful association” than a person just having lived in a house. In her “Comments” report she observes:

Associative value needs to be more than the person lived in the house after their significant contribution was made. If someone moved several times after their contribution, this would mean that all those properties would qualify as designated properties. This would not be a reasonable application of this designation criteria.

[49] In cross-examination Ms. Burt said that the significance of the car dealership and the motor vehicle licensing businesses is their beginnings and not their continuation. She said that “from a heritage sense, it all happened at Dominion House.” She stressed in her oral evidence that “there should be a connection between the building and the

event.” Her Supplementary Heritage Evaluation states her opinion this way:

The property at 41 Elgin Mills Road East is not the property that has a strong or special association with the life or work of William Neal. This property has no connection with the events for which William Neal was historically significant. He moved to 41 Elgin Mills Road East after the historically significant events took place.

[50] Mr. Farber submits, for the Owner, that the Town was uncertain as to the basis for designation in 2007 and even at the hearing raised s.1.(2)2.ii of Regulation 9/06 for the first time. He argues that this undermines the validity of the Town’s proposed designation.

[51] Mr. Farber submits that the proposed designation for associative value under s.1.(2)2.i is the heart of the matter. He argues that it is not sufficient that Mr. Neal lived in the house and that “there has to be something more.” He says that while Mr. Neal was a significant person in the community of Richmond Hill, he only lived in the house on the Property a short time, that it was not where he established his business and the house played no unique role. He submits that only Dominion House is “uniquely associated” with William Neal.

[52] Mr. Farber submits that none of the examples of properties with residences given by Mr. Somerville are comparable. He argues that the Banting farm was directly associated with Dr. Banting because it was how he learned about science, that Agnes Macphail lived in her house when she was a politician, that McKenzie house has not been designated, and the Meighen property was an original Crown grant to the Meighen family and where Arthur Meighen was born and raised.

[53] Mr. Farber submits that it is not relevant that this is the last remaining house of the first Mayor of Richmond Hill and that “designation cannot be by default”. He argues that Ms. Burt’s evidence and opinions should be preferred over Mr. Somerville’s because the Town did not do sufficient research or call appropriate witnesses.

CASE FOR GREG PRICE

[54] Greg Price is a resident of Richmond Hill. He has lived there since 1956 and attended school with the youngest son of Mr. Neal. He was familiar with the former Dominion House building. He testified that a member of the Neal family told him that, in the words of Mr. Price, the William Neal House “should have been torn down years ago” and that it was “strictly a business investment.”

[55] On cross-examination by Ms. Alyea, Mr. Price confirmed that the cinder block building still adjacent to the Property was operated by Mr. Neal as a motor vehicle licensing office but mainly run by his son.

ANALYSIS

[56] There is no conflict in the evidence or submissions that William Neal is a significant person to the community of Richmond Hill. The question here is whether the Property has associative value because it has direct association with William Neal within the meaning of Regulation 9/06, s.1.(2)2.i.

[57] Under this criterion, a property can have associative value for the following direct associations: “a theme, event, belief, person, activity, organization or institution”. In this case, the Town relies on direct association with a “person”. In considering direct association in the context of the objections to the designation in this case, it is useful to step back and consider the framework of the criteria prescribed by Regulation 9/06 under the Act.

[58] Municipalities intending to designate a property may rely on one or more of the three main heads of criteria in Regulation 9/06, i.e., design value or physical value, historical value or associative value, and contextual value. For instance, the Macphail House property was designated for architectural, associative and contextual value. It was implicit in the parties’ evidence and submissions that a designating municipality

may also rely upon just one of the matters to establish one of the main criterion, i.e., direct association in the Sir Frederick Banting Homestead designation and, as asserted by the Town in this case, the William Neal House.

[59] The main thrust of Ms. Burt's evidence and Mr. Farber's submissions is that William Neal lived in the residence on the Property when he was no longer the Mayor, or other municipal representative, and after he had already set up a car dealership and motor vehicle licensing office. They say that simply living in a house is not enough to establish associative value; that there must be something "unique". In her oral evidence Ms. Burt stressed that (emphasis added) "there should be a connection between the building and the event", and in her Supplementary Heritage Evaluation she states: "This property has no connection with the events for which William Neal was historically significant. He moved to 41 Elgin Mills Road East after the historically significant events took place."

[60] Ms. Burt cannot be referring to "event(s)" as the word is used in the list of direct associations with a property in s.1.(2)2.i because the direct association at issue here is to a "person", i.e., Mr. Neal's significance to the community of Richmond Hill. Therefore, the "event(s)" that she refers to do not need to be directly associated with the Property, which includes the William Neal House. In this case there is a connection between the house and William Neal, and, through William Neal, there is a connection between the "event(s)" and the Property, including the William Neal House. Although not a requirement of the Act or the associative value criterion under Regulation 9/06, this is a "unique" connection. As is required under s.1.(2)2.i, the direct association is made through a person, William Neal.

[61] Furthermore, and although not required, there was some continuity of the business activities which, in part, make William Neal a person significant to the community. William Neal lived in the house while he continued to operate the car dealership and the motor vehicle licensing office at their new locations, on the Property and adjacent to the William Neal House, where he lived out the balance of his life.

[62] The Review Board does not agree with the evidence and submission on behalf of the Owner that where a municipality is relying upon direct association with a person then, in all cases, the significant events in that person's life must have occurred while the person lived or worked on the subject property. Clearly this is a highly relevant and important factor, but the Review Board finds that it is not determinative in all cases – there has to be a weighing of all of the relevant factors. Again, in this case the Town is relying upon the direct association of the person with the Property and his significance to the community, not his direct association with a specific event or series of events in relation to the Property or the house. Neither Mr. Neal's significance as a person to the community nor his direct association with the Property, including the house, the car dealership and the motor vehicle licensing office, were not diminished by his moving to 41 Elgin Mills Road East.

[63] Whether a person achieved significance while residing at a property, or before or after, is an important consideration of direct association, but not necessarily determinative of the association. All relevant factors have to be considered. For instance, if Dominion House still existed, or the Property was not adjacent to the car dealership and motor vehicle licensing office operated by Mr. Neal, or Mr. Neal had only lived in the house on the Property for a year and lived the rest of his life on another property, then the Town might not have given Notice of Intention to Designate or the balance might have shifted in the determination of the Property's associative value.

[64] The Review Board also disagrees with Mr. Somerville's opinion that it does not matter whether a person lived on the Property before, during or after being a significant person. It may well matter, could be an important factor to be considered, and in some cases it may be determinative of associative value, but it is not determinative across the board, and not determinative in this case.

[65] The Review Board acknowledges Ms. Burt's concern that several residences could be designated as having direct association with a person significant to a community. However, the Review Board is of the view that a weighing of relevant factors protects associative value on the basis of direct association with a person in appropriate cases. For instance, if several residences have the potential for designation then that will be a factor that is revealed in the investigative process and the direct association of the person with the various properties may be weighed on the intended designation of one or more of them.

[66] In the matters of the Sir Frederick Banting Homestead, Agnes Macphail House, Mackenzie House and Meighen Estate properties, the factors relevant to direct association with the person are particularly compelling. In respect of Agnes Macphail, some of the events that made her significant in the community occurred when she lived on the property. These matters reflect the different considerations that can arise in matters involving the associative criterion and direct association with a person. The Review Board must consider all of the evidence and make its recommendations based on its findings.

[67] In this case, there not being a dispute in the evidence as to William Neal being a person of significance to the community of Richmond Hill, the Review Board finds that there is compelling evidence of his direct association with the Property because:

- William Neal House is the last remaining house of the first Mayor of the Town of Richmond Hill;
- Mr. Neal continued the business operations of the car dealership and the motor vehicle licensing office at the Property. Those business operations are a basis for his significance to the community; and
- the business operations and the residence (William Neal House) were inextricably intertwined as he lived and worked on the Property.

[68] The Review Tribunal finds that:

- the Property has associative value because it has direct association with William Neal who was, and is, significant to the community of Richmond Hill; and
- the William Neal House is the primary physical attribute on the Property that is directly associated with William Neal and, therefore, in relation to its associative value.

[69] Regarding s.1.(2)2.ii of Regulation 9/06, and whether the property has associative value because it yields, or has potential to yield, information that contributes to an understanding of a community or culture, due to the above finding on s.1(2)2.i the Review Board does not consider it necessary to make a further finding on either the Owner's objection that the Town did not raise s.1.(2)2.ii prior to the hearing or its substantive merit.

[70] The Review Board adds that the evidence of both expert witnesses was of a high standard and of great help in preparing this report. This case raises the difficult matter of determining direct association with a person who was largely significant at a local community scale.

[71] The Review Board also wishes to commend Mr. Price for taking the time and making the effort to express his views on the matter.

RECOMMENDATION

[72] The Conservation Review Board recommends that the "Statement of Cultural Heritage Value or Interest" in the Notice of Intention to Designate be reviewed and revised to eliminate the references to "architectural" value.

[73] Following the above review, and any revisions, the Review Board recommends that the Town of Richmond Hill proceed with the designation of the property at 41 Elgin Mills Road East in the Town of Richmond Hill as being of cultural heritage value or interest under s. 29 of the *Ontario Heritage Act*.

“Stuart Henderson”

STUART HENDERSON
MEMBER

“Robert V. Wright”

ROBERT V. WRIGHT
VICE-CHAIR

Schedule 1 – Photograph of the William Neal House (exhibit 3 cover page)

Schedule 2 – Agreed Statement of Facts

Schedule 3 – List of Exhibits

Conservation Review Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

**SUPPLEMENTARY
HERITAGE EVALUATION**



**41 ELGIN MILLS ROAD EAST
RICHMOND HILL, ONTARIO**

PREPARED BY
JOAN BURT ARCHITECT
FOR
ARASH DEVELOPMENTS LTD.

FEBRUARY 2013

SCHEDULE 2

JULY 29, 2014

Agreed Statement of Facts

*Submitted by the Town of Richmond Hill and
Arash Development Limited*

Ontario Heritage Review Board Hearing CRB1310

Notice of Intent to Designate 41 Elgin Mills Road East

Property Background

1. The property at 41 Elgin Mills Road East legally described as Lot 59 Judges Plan 10030 (the “**subject property**”) is located on the south side of Elgin Mills Road East, east of Yonge Street.
2. The Richmond Hill Official Plan identifies the subject property as being located in an Urban Settlement Area.
3. The subject property contains one structure and one site element, which are described as follows (from west to east):
 - a. two-storey residence (the “**House**”); and,
 - b. an element that is identified as a rubblestone and concrete foundation remnant of a former bank barn located south east of the House.
4. The House is a structure of interest to the Town of Richmond Hill (the “**Town**”), and the subject of this CRB hearing (CRB1310).
5. The physical description of the House is as set out in the Goldsmith Borgal & Company Ltd. Report to Armstrong Hunter & Associates, dated August 15th, 2007, on page 2 and the first three paragraphs of page 3, as well as shown in the photos at pages 7, 8, 9, 10 and 11.

The History of William Neal and the Town of Richmond Hill

6. William Neal served on Richmond Hill Council in the 1940s and later as Reeve of the Village of Richmond Hill from 1944 to 1947 and again in 1951.
7. He became the first mayor of the Town of Richmond Hill in 1957 and served again in 1963 until 1964. After 1964, William Neal did not hold any public office.
8. As a businessman, William Neal opened a Dodge car dealership, and, with his wife, also opened a motor vehicle licensing office.
9. His Dodge dealership opened in 1931, on the East side of Yonge Street, just south of Lorne Street, and was one of the first in Canada.
10. In 1934, he was appointed Richmond Hill’s first and only motor vehicle license issuer, and opened the Town’s first motor vehicle licensing office.
11. His motor vehicle license office was the first to open north of Steeles Avenue, in what was then a mostly rural area.

12. William Neal and his family moved to the subject property in 1972.
13. He subdivided the subject property into three smaller lots; being the dealership, the licensing office, and subject House, respectively.
14. He resided at the House and continued to operate the licensing office at the subject property with his wife into his 70's.
15. William Neal passed away On June 15, 1979 at the age of 82.

Investigation of the William Neal House

16. In 2007, in connection with a proposed development application, GBCA Architects ("**GBCA**") authored a Heritage Impact Assessment Statement dated August 15, 2007 (the "**2007 GBCA Report**") which was provided to the Town.
17. The 2007 GBCA Report was considered by Richmond Hill's Heritage Advisory Committee ("**Heritage Richmond Hill**") at its meeting held on October 9, 2007.
18. The Town of Richmond Hill commissioned Su Murdoch Historical Consulting to undertake a peer review of the 2007 GBCA Report, which review was completed and submitted to the Town on December 7, 2007 (the "**Murdoch Review**").

Procedural History of Listing and the Notice of Demolition

19. On August 16, 2012, the current owner of 41 Elgin Mills Road East submitted a Notice of Intent to Demolish for the subject property.
20. In August, 2012, at the time of the submission of the Notice of Intent to Demolish, Council was on summer recess. As such, the Town's CAO's Office was delegated authority to provide receipt of any Notice of Intent to Demolish received during the summer. On August 21st, 2012 the CAO's office issued a Notice of Receipt, which was provided to the owner.
21. Heritage and Urban Design staff prepared a staff report SRPRS.12.173 (the "**2012 Staff Report**") which was presented to Heritage Richmond Hill at its September 25, 2012 meeting.
22. The 2012 Staff Report provided background information and a consideration of the potential cultural heritage value of the William Neal House and recommended designation of the House under Part IV.
23. At its meeting held September 25, 2012, Heritage Richmond Hill recommended that "41 Elgin Mills Road East" be designated under Part IV of the *Act*.

24. At the October 1, 2012 Committee of the Whole meeting, a decision was made to defer the matter, which was brought back to Committee of the Whole for consideration on November 5, 2012.
25. At the November 5, 2012 Committee of the Whole meeting, a letter from the owner's planner, dated October 23, 2012, was presented. The letter withdrew the Notice of Intent to Demolish the property until further evaluation of the property could be conducted.
26. In February of 2013, the owner submitted a Supplementary Heritage Evaluation that was prepared by Joan Burt Architect (the "**2013 Burt Report**").
27. On September 16, 2013 staff provided an additional report being SRPRS.13.166 to the Committee of the Whole.
28. On September 16th 2013, Council voted to defer consideration of the matter until September 23, 2013.
29. At the September 23, 2013 Council meeting, the Town of Richmond Hill adopted staff's recommendation for designation of the House under Part IV of the *Act*.

SCHEDULE 3

- Exhibit 1: Declaration of Service of Notice of Hearing on the Parties and Publication.
- Exhibit 2: Document Book of the Town of Richmond Hill.
- Exhibit 3: Supplementary Heritage Evaluation prepared by Joan Burt Architect, dated February 2013.
- Exhibit 4: Comments Pertaining to SRPRS. 13.166, prepared by Joan Burt Architect, dated Sept. 12, 2013.
- Exhibit 5: Agreed Statement of Facts, dated July 29, 2014.
- Exhibit 6: Witness Statement – Matthew Somerville, undated.
- Exhibit 7: Hearing Note – Joan Burt, undated.