

Town of Whitby

Staff Report

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Report Title: Heritage Permit Application – Request for Demolition of 114 Keith Street, Designated under Part V of the Ontario Heritage Act; HP-17-24

Report to: Committee of the Whole

Date of meeting: December 2, 2024

Report Number: PDP 56-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

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1. Recommendation:

1. That Council approve the Heritage Permit Application requesting demolition of the existing dwelling at 114 Keith Street (HP-17-24), as supported by the Heritage Whitby Advisory Committee, and in accordance with Section 42 of the Ontario Heritage Act.

2. Highlights:

- The Biglieri Group on-behalf of the owner has submitted a Heritage Permit Application (HP-17-24) to request the demolition of the existing dwelling at 114 Keith Street, which is located within the Werden's Plan Neighbourhood Heritage Conservation District.
- A Cultural Heritage Impact Assessment (CHIA) and Structural Engineer's Report was submitted along with the Heritage Permit application. The CHIA identifies how the dwelling is a candidate for demolition due to a fire in 2023, and previous unsympathetic alterations and the resultant loss of heritage integrity. The structural Engineers report identifies damages to both the interior and exterior of the dwelling.

- The Heritage Whitby Advisory Committee (HWAC) reviewed the application on November 12, 2024 and passed a motion of support for the requested demolition.

3. Background:

3.1 Site and Area Description

The subject land, municipally known as 114 Keith Street is located between Byron Street South and Brock Street South and is approximately 0.07 ha in size (refer to Attachment #1). The subject land is designated under Part V of the Ontario Heritage Act and is located within the Werden's Plan Neighbourhood Heritage Conservation District. Low Density residential uses are located to the north, south and west, and mixed-uses to the east (refer to attachment #2).

3.2 Heritage Permit Application

A Heritage Permit Application has been submitted to request demolition of the existing dwelling at 114 Kieth Street, designated under Part V of the Ontario Heritage Act, within the Werden's Neighbourhood Plan HCD. Demolition of a designated property requires a decision of Council under the Ontario Heritage Act.

3.3 Documents Submitted in Support

- A Cultural Heritage Impact Assessment, prepared by Biglieri Group (refer to Attachment #3) dated September 2024.
- A Structural Engineers Report, prepared by Ehsan Tawhidi & Associates, dated June 2024, which includes an exterior and interior assessment of the damage caused by the fire (refer to Attachment #4).

4. Discussion:

4.1 Whitby Official Plan

The subject land is designated "Low-Density Mature Neighbourhood" in the Downtown Whitby Community Secondary Plan (refer to Attachment #5). The Secondary Plan states that redevelopment of lands designated "Low Density Mature Neighbourhood" shall be compatible with and fit in with the existing physical character of the neighbourhood (11.3.7.1.5). Additionally, redevelopment of lands within the Werden's Plan Neighbourhood HCD may require a Heritage Permit and a Cultural Heritage Impact Assessment, and any redevelopment shall have regard for scale, massing, setbacks, building materials and design features in accordance with the policies of the Werden's Plan Neighbourhood HCD (11.3.6.2.6).

Section 6.1.3.7. of the Official Plan states that when reviewing proposals for the demolition, relocation, or removal of buildings and structures within a designated Heritage Conservation District, the Town shall be guided by the applicable Heritage Conservation District Plan guidelines and policies.

4.2 Zoning Bylaw

The subject land is zoned Residential 3 – R3 in Zoning By-law 2585 (refer to Attachment #6). Residential uses permitted include a duplex dwelling, semi-detached dwelling, and single detached dwelling subject to compliance with associated provisions in the Zoning Bylaw

4.3 Werden's Plan Neighbourhood HCD

The subject land is designated under Part V of the Ontario Heritage Act and is located within the Werden's Plan Neighbourhood Heritage Conservation District (HCD). The goal of the Werden's HCD Plan is to preserve the neighbourhood's small-town historic character through the conservation of cultural heritage resources. The Werden's Plan identifies the subject property as being "Historical."

The Werden's HCD Plan provides guidance for consideration of requests for demolition, including the requirement for a CHIA and/or other supporting documentation.

4.4 Heritage Permit Application and Review Process

Biglieri Group on behalf of the owner has submitted a Heritage Permit Application (HP-17-24) as required by Section 42 of the Ontario Heritage Act, for properties designated under Part V of the Act, to request the demolition due to fire damage of the existing structure.

As part of the review process, the applicant is required to determine the site's historical significance through a Cultural Heritage Impact Assessment.

Under Section 42 of the Ontario Heritage Act, a decision to permit the demolition of a property designated under Part V of the Act must be made by Council.

Further, where a Council has established a municipal heritage committee, the Municipality is required to consult with the municipal heritage committee before making a decision. The subject Heritage Permit Application was considered by the Heritage Whitby Advisory Committee (HWAC) on November 12, 2024.

4.5 Evaluation of Proposed Demolition

4.5.1 Cultural Heritage Impact Assessment:

The applicant's CHIA (refer to Attachment #3) provided an evaluation of the proposed demolition of the existing dwelling in accordance with the Werden's Plan HCD Plan policies for Demolition. The Werden's Plan HCD discourages the demolition of property that are classified as "historic," except in extenuating circumstances. However, the Cultural Heritage Impact Assessment and Structural Engineers Report for 114 Keith Street, indicate that the property was very heavily damaged by fire in 2023.

According to the CHIA, and the information available to the Town, there is no known exact date of construction. The structure is a 1.5 storey single detached residential dwelling, which was converted into rental units. Based on the Property Information Sheet of the HCD Plan the residential structure is described as an early 20th Century profile including a classically inspired porch. The dwelling exudes several characteristics of an early 20th Century Edwardian architectural style featuring a gable roof, prominent front porch with simple architectural detailing.

The CHIA identifies how this dwelling is a candidate for demolition due to fire damage as follows:

- The interior of house has been severely damaged by fire, with the level of destruction making it difficult to discern the original layout of the dwelling. In the kitchen area of the dwelling, the ceiling has caved in, and the floor has completely caved in exposing the subfloor and burnt beams. In other parts of the house the walls have partially collapsed, and in the bathroom, there are significant areas of burned/charred walls, and the flooring is not stable. The CHIA includes many photographs detailing the extent of the damage.
- The interior of the rear addition has been destroyed with no detail left to discern a layout. There are collapsed walls, exposed framing and floors that have completely caved in.

The CHIA also outlines how the dwelling had undergone previous unsympathetic alterations prior to the fire, as follows:

- The dwelling has been mostly destroyed by an extensive fire. Prior to this, the house had undergone extensive unsympathetic alterations. As a result, the dwelling is no longer in its original or stable condition. The fire has destroyed or severely damaged any surviving physical and historical characteristics.
- Any of the key architectural and/or historically significant materials have been lost and/or irreparably altered, which diminishes the sites' ability to convey its original historical context. Without those defining characteristics, the dwelling can no longer support its historical or cultural significance.

The CHIA outlined the loss of heritage integrity as follows:

- The heritage integrity was assessed/evaluated through two key scenarios: the loss of originality and structural integrity. It is the opinion of the consultant that even before the fire the dwelling had already been heavily altered without regard for its original design. These changes include a large single storey addition, which was functional, but not in keeping with the original design of the house. The original layout for ingress and egress had been altered. Other modifications including the application of inappropriate siding materials over the original wood siding contributed to the loss of the original character.

4.5.2 Structural Engineer's Assessment:

The owner retained Ehsan Tawhidi & Associates, a structural engineering firm to evaluate the house's structural integrity and prepared a report (refer to Attachment #4).

The structural engineers performed a site visit in June 2024 and the engineers' structural assessment outlined the damages to the interior of the dwelling as follows:

- The interior side shows excessive burning and loss of sections of roof, walls, and floors. The front side shows excessive damage due to winter exposure. The heat from the fire in the rear side took a toll and has weakened the framing and has less redundancy to withstand cold temperatures.

The engineers' structural assessment outlined the damages to the exterior of the dwelling as follows:

- The exterior side shows signs of cracking, spalling, misalignments, bowing and sagging.

It is the opinion of the engineering firm that the house is irreparable due to the damage of the fire.

4.6 Consultation with Heritage Whitby Advisory Committee (HWAC)

The applicant attended the November 12, 2024, meeting of the Heritage Whitby Advisory Committee with the heritage consultant giving a presentation.

At the meeting, HWAC passed the following motion (refer to Attachment #7):

“That the Heritage Whitby Advisory Committee supports Heritage Permit Application HP-17-24, Demolition Request for 114 Keith Street.”

4.7 Conclusion

The owner's Heritage Consultant (Biglieri Group) and the owner's Structural Engineers (Ehsan Tawhidi & Associates) have concluded that due to the severe damage caused by a fire at the house and the loss of heritage integrity/characteristics that occurred prior to the fire, the proposed demolition is negligible in terms of impact and demolition is recommended by the structural engineer to ensure public health and safety. HWAC has passed a motion of support of demolition request Heritage Permit application.

Accordingly, it is recommended that Council approve the Heritage Permit application requesting demolition of the existing dwelling at 114 Keith Street (HP-17-24), in accordance with Section 42 of the Ontario Heritage Act.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable.

7. Input from Departments/Sources:

Not Applicable.

8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The Heritage Permit review process has provided the opportunity for input on the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

9. Attachments:

- Attachment #1 Location Sketch – 114 Keith Street
- Attachment #2 Aerial Context map
- Attachment #3 Cultural Heritage Impact Assessment, prepared by Biglieri Group
- Attachment #4 Structural Engineers Report, prepared by Ehsan Tawhidi & Associates
- Attachment #5 Excerpt from Schedule H – Downtown Whitby Community Secondary Plan (Land Use)
- Attachment #6 Excerpt from Zoning By-Law 2585
- Attachment #7 Minutes of November 12, 2024, HWAC meeting