



Economic and Development Services Department

Date: March 15, 2024

File: 12-03

To: Heritage Oshawa

From: Harrison Whilsmith, Planner A
Economic and Development Services Department

Re: Application under Section 32 of the Ontario Heritage Act to Repeal Part of Designation By-Law 148-2011 – 452 Simcoe Street North (Lupton House)

Under Section 32 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”), an owner of property designated under the Ontario Heritage Act may apply to Council to repeal the by-law, or part thereof, designating the property.

On February 26, 2024, City Council considered Correspondence Item CNCL-24-21, being a request from the property owner of 452 Simcoe Street North to repeal part of Designation By-Law 148-2011 to remove “clad in cedar shingles” from the description of heritage attributes, and passed the following motion:

- “1. That staff be directed to publish notice in accordance with Section 32(3) of the Ontario Heritage Act; and,
2. That staff report back to Council once the process set out in the Ontario Heritage Act is complete.”

Pursuant to Council direction, City staff issued notice of the application on February 28, 2024 in accordance with the City’s Public Notice Policy. The last day to submit notice of objection to the application is April 2, 2024.

Under Section 32 of the Ontario Heritage Act, a Council must consult with its municipal heritage committee (Heritage Oshawa) prior to making a decision on the application to repeal part of By-Law 148-2011.

In their decision, Council has the option to either consent to the application or refuse the application. Accordingly, staff require comment from Heritage Oshawa in this regard at their March 21, 2024 meeting in advance of a forthcoming report.

Correspondence Item CNCL-24-21 is affixed to this memo as Attachment 1.

Designation By-Law 148-2011 is affixed to this memo as Attachment 2. The designation statement and description, which includes the description of heritage attributes, forms Schedule “A” of said by-law.

Recommendation

In the event Heritage Oshawa wishes for Council to **consent** to the application made under Section 32 of the Ontario Heritage Act to repeal a portion of By-Law 148-2011, the following

recommendation should be made for consideration by the Economic and Development Services Committee and Council:

“That, pursuant to HTG-24-21 dated March 15, 2024, the Section 32 application to repeal a portion of By-Law 148-2011, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes, be recommended for approval under Section 32 of the Ontario Heritage Act.”

In the event Heritage Oshawa wishes for Council to **refuse** the application made under Section 32 of the Ontario Heritage Act to repeal a portion of By-Law 148-2011, the following recommendation should be made for consideration by the Economic and Development Services Committee and Council:

“That, pursuant to HTG-24-21 dated March 15, 2024, the Section 32 application to repeal a portion of By-Law 148-2011, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes, be recommended for refusal under Section 32 of the Ontario Heritage Act.”

If you have any questions please contact Harrison Whilsmith at 905-436-3311, extension 2697 or hwhilsmith@oshawa.ca.

A handwritten signature in blue ink, appearing to read "H Whilsmith".

Harrison Whilsmith, Planner A
Policy

From: adriana lupton <M.F.I.P.P.A. Sec 14(1)>
Sent: Monday, February 12, 2024 9:57 AM
To: clerks <clerks@oshawa.ca>
Subject: Heritage Designation

Dear Clerks, Mayor Carter and Council,

I am Adriana Lupton, a third generation owner of the property located at 452 Simcoe St. North. My home is a heritage designated home within Oshawa. I would like to take the opportunity to express my gratitude for the tax rebate which has assisted in the upkeep cost of the heritage home.

Although I appreciate my heritage designation, there is one element of it that is proving problematic in terms of maintenance. Specifically, the attribute within the designation that deals with the roof. It states under the description, "the shallow gabled bell cast roof with side gables clad in cedar shingles". Through the years, I have found that maintaining the cedar shake roof has been cumbersome and expensive. I would like to ask the council to amend my designation bylaw, to remove "clad in cedar shingles". I would like to take the opportunity to explain why.

The cedar shake continues to go up in price and is incredibly expensive now. More importantly, finding a competent contractor to do the job properly has been a challenge. I had a contractor who would repair/maintain it and his prices were high as he was one of the few that knew how to repair it. He has now retired and is no longer available. The cedar shake is not common any longer and as a result repairing and maintaining this roof has become near impossible for me. Cedar shake roofs require more maintenance over their lifespan, and add to the overall cost of the roof. It fades, warps, spits, and rot leaving my home vulnerable to water damage, pests and costly repairs. Maintaining this kind of roof takes a lot of work, and proper maintenance and cedar shake roof treatments needs to be done regularly to avoid faster deterioration. It is vital to me to keep my home in good repair, and there are many other roofing options that would be cost effective and keep the integrity of the home.

I cannot afford to continue with the expenses involved in maintaining the cedar shake roof. I am requesting that the above attribute from the heritage designation description By-law 148-2011 be removed. Thank you for your time and attention in this matter.

Yours sincerely,

Adriana Lupton

being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:


1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. John and Adriana Lupton are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.



Mayor

City Clerk

Schedule "A" to By-law 148-2011
of The Corporation of the City of Oshawa

**452 Simcoe Street North
Designation Statement and Description**

Location and Description of Property:

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20th century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

Legal Description:

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

Description of Heritage Attributes:

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.