

To: Community Services Committee

From: Ron Diskey, Commissioner,  
Community Services Department

Report Number: CS-22-15

Date of Report: February 9, 2022

Date of Meeting: February 14, 2022

Subject: Request to Remove Mural at 32-40 King Street East

Ward: Ward 4

File: 03-05

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## **1.0 Purpose**

On November 8, 2021, City staff received a request from the property owner of 32-40 King Street East to remove the City commissioned mural currently affixed to the west side of the building. The size of the mural is 59 feet x 11 feet.

The property owner has indicated that the mural is covering a window in the building that faces onto Ontario Street and as a result has presented a challenge in securing a lease for the space.

The purpose of this Report is to recommend to the Community Services Committee that the mural at 32-40 King Street East be removed.

Attachment 1 is a copy of an email dated November 8, 2021 from Nikeeb Sameem requesting the City consent to the removal of the mural.

Attachment 2 is a photograph of the mural “On the Lake (The Argyle)”.

## **2.0 Recommendation**

That the Community Services Committee recommend to City Council:

1. That, pursuant to Report CS-22-15 dated February 9, 2022 City staff be authorized to remove and dispose of the mural entitled “On the Lake (The Argyle)” which is located on the west exterior wall of the property located at 32-40 King Street East

2. That, pursuant to Report CS-22-15 dated February 9, 2022, the Mayor on behalf of Council be authorized to write a letter to the family of the artist and include a print of the macquette of the mural painted by the artist.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Public Art Task Force
- Property Owner of 32-14 King Street East
- Economic Development Services
- Clerk Services

### **5.0 Analysis**

#### **5.1 Background**

The mural located at 32-40 King Street East is a work entitled “On the Lake (The Argyle)” by Ross Beard and was painted in 1995 as commissioned by the City of Oshawa. The mural was last reviewed in 2016 and at that time was assessed in good condition with the “colours generally vibrant, some fading in the upper-third portion, some rough areas of the patina.” The colours have faded since its last review, and the mural currently has graffiti on it. Restoration work has been undertaken twice, in 2012 and 2015.

City records of an agreement with the Building Owner/Sponsor, and an agreement with the Artist/Donor could not be located. Any agreements entered into at the time of this commissioning would have been led by the Downtown Action Committee. Records regarding the Downtown Action Committee are incomplete.

On November 8, 2021, the property owner at 32-40 King Street East contacted Planning Services with a request to remove the mural (see Attachment 1). The rationale for the request included both issues with renting the unit facing onto Ontario Street as the mural is covering an exterior window in the building and planned future investments by the property owner to enhance the building’s exterior.

#### **5.2 Consultation with Public Art Task Force**

At the June 25, 2018 City Council meeting, Report CS-18-51 was approved, thus adopting the Public Art Master Plan. Section 2.2 of the Public Art Master Plan outlines the responsibilities of the Public Art Task Force, which includes assisting with decision-making on accepting and removing Public Artworks. As such, the request from the property owner to remove the mural for the purposes of property enhancements was taken to the Public

Art Task Force at the November 17, 2021 meeting. The Public Art Task Force ultimately endorsed the removal of the mural with the following comments:

- Records indicate that the artist, Mr. Beard, died in 2019. The Public Art Task Force suggested that City staff contact the artist's family to offer a print of the macquette of the mural painted by the artist.
- That a letter from the Mayor accompany the print acknowledging the significance of the work in the Oshawa context.

### **5.3 Life Expectancy of a Mural**

Section 7.3.2 of the Public Art Master Plan provides information regarding the life expectancy of a mural. Many Public Art programs consider murals temporary, with a lifetime of approximately 10 to 20 years. Murals are more vulnerable to weather damage, infrastructural changes or evolution in urban planning than other forms of Public Art since they often cannot be relocated or easily removed. Relocation and restoration of this mural would cost between \$66,000 and \$99,000. Staff are recommending that this mural not be relocated to another site and be disposed of.

### **6.0 Financial Implications**

The financial implications related to this report would include the cost of removing the mural, which is currently estimated at \$4,500 as well as the cost of the print for the family, which is currently estimated at \$500. These costs can be absorbed within the Arts and Culture Reserve Fund.

### **7.0 Relationship to the Oshawa Strategic Plan**

The recommendation advances the Accountable Leadership, Cultural Vitality and Economic Prosperity and Financial Stewardship goals of the 2020-2023 Oshawa Strategic Plan.



Jim Naumovski Director,  
Recreation and Culture Services



Ron Diskey, Commissioner,  
Community Services Department

**From:** [Planning](#)  
**To:** [David Sappleton](#)  
**Subject:** FW: 32-40 King street east Oshawa  
**Date:** Tuesday, November 9, 2021 8:17:02 AM

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Planning Services | City of Oshawa  
905-436-3853 | 1-800-667-4292  
[planning@oshawa.ca](mailto:planning@oshawa.ca) | [www.oshawa.ca](http://www.oshawa.ca)  
"Dedicated to serving our community."



**From:** Nikeeb Sameem [REDACTED]

**Sent:** Monday, November 8, 2021 7:04 PM

**To:** Planning <Planning@oshawa.ca>

**Subject:** Re: 32-40 King street east Oshawa

Hi there,

I am the owner of 32-40 King St.

There is a worn painting on the side of my building and it is detracting tenants from renting the corner unit for the last decade. I am planning on making a major investment to improve the cosmetic appearance of the building and am planning on removing the painting.

Does the City have grants for this type of work?

Thank you

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Sincerely,

Nikeeb Sameem, MSc., P.Eng

Salesperson

Century 21 Innovative Realty Inc.

Cell [REDACTED]

Office [REDACTED]

fax [REDACTED]

