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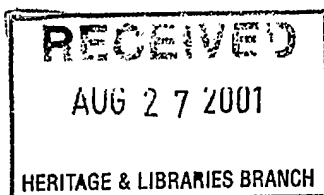


Jeffrey A. Abrams
Acting City Clerk

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IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1990, CHAPTER O.18 AND
24 CHESTNUT PARK
CITY OF TORONTO, PROVINCE OF ONTARIO

NOTICE OF DECISION

To:



Ontario Heritage Foundation
10 Adelaide Street East
Toronto, Ontario
M5C 1J3

Take notice that the Council of the City of Toronto on the 24th, 25th and 26th days of July, 2001 having considered the application for consent to demolish the property known municipally as 24 Chestnut Park ((Robert Kemerer House), decided to refuse the application to demolish.

Dated at Toronto this 13th day of August, 2001.

for Marilyn Doff
Jeffrey A. Abrams
Acting City Clerk

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KT^{gw}



CITY CLERK

Clause embodied in Report No. 6 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its meeting held on July 24, 25 and 26, 2001.

7

Designation and Refusal of Request for Demolition under Part IV of the Ontario Heritage Act - 24 Chestnut Park (Robert Kemerer House) (Toronto Centre-Rosedale, Ward 27)

(City Council on July 24, 25 and 26, 2001, adopted this Clause, without amendment.)

The Toronto East York Community Council recommends that:

- (1) City Council refuse the application to demolish the property at 24 Chestnut Park (Robert Kemerer House) under Part IV of the *Ontario Heritage Act*;**
- (2) authority be granted for the introduction of the necessary Bill in Council to designate 24 Chestnut Park for architectural and historical reasons under Part IV of the *Ontario Heritage Act*; and**
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, including whatever action may be necessary to comply with the provisions of the said Act in respect to the designations set out in Recommendation No. (2).**

The Toronto East York Community Council submits the following report (June 18, 2001) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

This report recommends that the application to demolish the property at 24 Chestnut Park (Robert Kemerer House) be denied.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Council refuse the application to demolish the property at 24 Chestnut Park (Robert Kemerer House) under Part IV of the *Ontario Heritage Act*.**

- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting of April 23, 24, 25, 26, 27, May 1, 2, 2001, Council stated its intention to designate the property at 24 Chestnut Park under Part IV of the *Ontario Heritage Act*.

Comments:

In a letter dated May 28, 2001, the owner's representative applied to Council for consent to demolish the building on the property at 24 Chestnut Park pursuant to Section 34 (1) of the *Ontario Heritage Act*.

At its meeting of June 7, 2001, the Toronto Preservation Board endorsed the staff recommendation that the application for demolition be refused. A Location Map (Attachment No. 1) and photograph (Attachment No. 2) are attached.

Conclusions:

It is recommended that Council refuse the application for demolition for the property at 24 Chestnut Park (Robert Kemerer House) under Part IV of the *Ontario Heritage Act*.

Contact:

Rita Davies, Managing Director of Culture
Tel: 416-397-5323; Fax: 416-395-0278; e-mail: rdavies@city.toronto.on.ca

(Copies of Attachments, referred to in the foregoing report, were distributed to all Members of Council with the July 10, 2001 agenda of the Toronto East York Community Council, and a copy thereof is also on file in the office of the City Clerk.)

The Toronto East York Community Council also submits the following report (June 19, 2001) from the Acting City Clerk:

Purpose:

To designate the property at 24 Chestnut Park for architectural and historical reasons under Part IV of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Council authority be granted for the introduction of the necessary Bill in Council to designate 24 Chestnut Park for architectural and historical reasons under Part IV of the Ontario Heritage Act; and
- (2) The appropriate City Officials be directed to take whatever action may be necessary to comply with the provisions of the said Act in respect to such designations

Background:

Pursuant to action of City Council at its regular meeting held on April 23, 24, 25, 26 and 27, and its special meeting held on April 30, May 1 and 2, 2001 (Downtown Community Council Report 3 Clause 16) Notice of Intention to Designate 24 Chestnut Park (Robert Kemerer House) (Toronto Centre-Rosedale, Ward 27) as a property of architectural value or interest was sent to the owner and the Ontario Heritage Foundation and, also in accordance with Section 29 of the Ontario Heritage Act, notice of such intention was published in a newspaper on May 18, 2001.

Comments:

Both the Notice of Intention and the newspaper insertion stated that any objection be served on the City Clerk, c/o Frances Pritchard, Administrator, Downtown Community Council within thirty days, expiring June 18, 2001. No objections have been received.

Conclusions:

As the Ontario Heritage Act has been complied with in relation to designation of 24 Chestnut Park and no objections have been received, Council may authorize the introduction of the necessary Bills in Council to give effect to the designation.

Contact:

Glenda Williams
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The Toronto East York Community Council also submits Clause 16 of Report No. 16 of the former Downtown Community Council, headed "Intention to Designate Under Part IV of the Ontario Heritage Act and Residential Demolition Application – 24 Chestnut Park (Robert Kemerer House) (Toronto Centre-Rosedale, Ward 27), as adopted by the Council of the City of Toronto at its regular meeting held on April 23, 24, 25, 26, 27 and its special meeting held on April 30, May 1 and 2, 2001:

(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, adopted this Clause, without amendment.)

The Downtown Community Council recommends that:

- (1) the report (March 14, 2001) from the Commissioner of Economic Development, Culture and Tourism be adopted;
- (2) the report (March 19, 2001) from the Commissioner of Urban Development Services be received; and
- (3) the Commissioner of Economic Development, Culture and Tourism work with the South Rosedale Ratepayers Association and the Toronto Preservation Board to create a Heritage District for South Rosedale.

The Downtown Community Council submits the following report (March 14, 2001) from the Commissioner, Economic Development, Culture and Tourism:

Purpose:

This report recommends that the property at 24 Chestnut Park) be designated under Part IV of the Ontario Heritage Act.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council state its intention to designate the property at 24 Chestnut Park (Robert Kemerer House) under Part IV of the Ontario Heritage Act;
- (2) the Long and Short Statements of Reasons for Designation be included in the designating by-law; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The property was included on the City of Toronto Inventory of Heritage Properties on December 10, 1975. The property owner has applied for a permit to demolish the house.

Comments:

A Short Statement of Reasons for Designation is outlined below. A Heritage Property Report (Long Statement of Reasons for Designation), including visuals, is available for viewing from the City Clerk. Both the Long and Short Statements constitute the Reasons for Designation and will be included in the designating by-law. A location map (Attachment No. 1) and photograph (Attachment No. 2) are attached.

Reasons for Designation (Short)

The property at 24 Chestnut Park is recommended for designation for architectural reasons. The house was completed in 1906 for broker Robert Kemerer according to the designs of Toronto architect S. H. Townsend.

The Robert Kemerer House is designed in the Period Revival style where the materials and detailing are inspired by English medieval architecture. Rising 2½ stories with a large T-shaped plan, the building has random-coursed stone walls with wood and stone detailing. A gable roof with flared eaves displays stone chimneys and dormers. The principal (south) façade is organized into three wide bays. The end bays contain two-storey bay windows where five-part window openings are set in wood surrounds with Classical detailing. In the centre, entablatures with brackets cover the main entrance and a pair of windows set in a wood surround. Four flat-headed window openings mark the second storey. On the side (east and west) walls, flat- and segmental-headed window openings are found in the base, first floor and attic levels. The window openings display stone sills, voussoirs and labels, and contain casement-style multi paned windows with triangles and shield motifs.

The property at 24 Chestnut Park is located on the north side of the street, west of Cluny Drive. An excellent example of Period Revival design, the Robert Kemerer House is part of a planned residential enclave within the Rosedale neighbourhood.

Conclusions:

It is recommended that City Council state its intention to designate the property at 24 Chestnut Park (Robert Kemerer House) under Part IV of the Ontario Heritage Act.

Contact:

Rita Davies, Managing Director of Culture
Tel: 416 397-5323; Fax: 416 395-0278; E-mail: rdavies@city.toronto.on.ca

The Downtown Community Council also submits the following report (March 19, 2001) from the Commissioner of Urban Development Services:

Purpose:

In accordance with former City of Toronto Municipal Code Chapter 146, Article II, Demolition Control, I refer the demolition application for 24 Chestnut Park Road to you to recommend to City Council whether to grant or refuse the application, including conditions, if any, to be attached to the permit.

Financial Implications and Impact Statement:

Not applicable.

Recommendations:

That City Council authorize me to issue the residential demolition permit for 24 Chestnut Park Road, subject to the standard conditions, as set out in Chapter 146-16B(5) of the Municipal Code, specifically:

- (a) that a replacement building is erected on the site not later than two (2) years from the day demolition of the existing building is commenced,
- (b) that, on failure to complete the new building within the time specified, the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand (\$20,000) for each dwelling unit contained in the building in respect of which the demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued, and
- (c) an approval from Heritage Preservation Services be obtained by the applicant/owner prior to the issuance of the demolition permit.

Comments

On February 13, 2001, [REDACTED] applied for a permit to demolish the residential building at 24 Chestnut Park Road. The existing building is a detached, single family dwelling. He applied for a new replacement residential building permit at the same time. Plan examination of this building permit application is now in progress.

In accordance with the former City of Toronto Municipal Code Chapter 146, Article II, Demolition Control, I refer the demolition application to you because I have received an objection from [REDACTED]. The existing structure is listed under Heritage Toronto on the City's Inventory of Heritage Properties.

The Planning Act requires that City Council issue a demolition permit where a building permit has been issued for a replacement building on the property

Contact:

Gene Lee, P. Eng., Manager, Plan Review

Telephone: 416-392-7540; Fax: 416-920-721; E-mail: glee@city.toronto.on.ca

(Map and drawing attached to the foregoing reports were forwarded to all Members of the Downtown Community Council with the agenda for its meeting on April 3, 2001, and copies thereof are on file in the office of the City Clerk.)

The Downtown Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (April 2, 2001) from [REDACTED];
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 3, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 2, 2001) from [REDACTED]
- (April 3, 2001) from William J. Phillips, Secretary, The South Rosedale Ratepayers' Association;
- (April 2, 2001) [REDACTED]
- (April 2, 2001) [REDACTED]
- (April 2, 2001) [REDACTED]
- (April 2, 2001) [REDACTED]
- (April 2, 2001) [REDACTED]
- (April 3, 2001) [REDACTED]

The following persons appeared before the Downtown Community Council in connection with the foregoing matter:

- Ms. Edna Hudson, Toronto Region of Architectural Conservancy;
- Ms. Kim Kovar, Aird & Berlis, on behalf of the applicant;
- Mr. William Phillips, Secretary, South Rosedale Ratepayers' Association;
- [REDACTED]
- [REDACTED]

(City Council on April 23, 24, 25, 26, 27, and April 30, May 1 and 2, 2001, had before it, during consideration of the foregoing Clause, a communication (April 6, 2001) from Mr. Alec Keefer, on behalf of the Toronto Region Architectural Conservancy, in support of the recommendation of the Downtown Community Council with respect to the intention to designate 24 Chestnut Park.)

(City Council also had before it, during consideration of the foregoing Clause, communications from the following, forwarding comments with respect to the recommendations of the Downtown Community Council pertaining to the intention to designate 24 Chestnut Park:

[REDACTED]

The Toronto East York Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk.

[REDACTED]

(City Council on July 24, 25 and 26, 2001, had before it, during consideration of the foregoing Clause, a communication (July 9, 2001) [REDACTED] in opposition to the demolition of the property at 24 Chestnut Park, Robert Kemerer House.)