

## Heritage Conservation and University Expansion

*A discussion regarding the University of Toronto's expropriation authority to redevelop sites with the potential for cultural heritage value and interest within Campus boundaries*

Heritage preservation has been a highly contested area of urban development in Ontario since the first Ontario Heritage Act was published in 1975. In many ways, debates concerning the heritage value of natural, agricultural, archaeological and, specifically, cultural resources provide a foundation for what it means to live in a place, as it has changed - and as it is changing - over time.

In growing cities like Toronto, stakeholders in the City's urban development are often faced with difficult situations where the commitment to heritage preservation and redevelopment horizons come into conflict. How we assess the value of a building, a place or a neighbourhood's heritage value can be difficult to qualify against the reality that the City is changing, and even more so, when broaching an individual's or an organization's property rights to retain and preserve, or redevelop and rebuild a place or building they own. That same conundrum is complicated even further in cases where a municipality or an institution is conferred with expropriation powers to acquire and potentially redevelop a site 'deemed necessary' for specific purposes within its purview, when that site may in fact have heritage value.

So how do we qualify heritage? What do we as members of a province, a municipality, an institution or a community, look at when determining how and why a given resource is significant enough in terms of its heritage value to be retained? What occurs in cases where this comes into conflict with an expropriation authority's right to retain and redevelop that resource at the expense of this heritage value?

### **A Case Study on St George Street**

The Kappa Alpha Literary Society (KA) at the University of Toronto is a fraternity located at 160 St George Street on the University of Toronto St George Campus. The fraternity is a subsidiary chapter of the Kappa Alpha Literary Society founded in 1825 at Union College, a liberal arts college based in Schenectady, New York. The fraternity is allegedly the first Greek letter fraternity organization in North America. Its chapter at the University of Toronto, founded in 1892, was the second Greek letter fraternity to be established in Canada after Zeta Psi's founding on the University of Toronto campus just three years previously in 1879.

For most of its early years, KA owned a property at 3 Hoskin Avenue, a building that the University of Toronto would later expropriate in 1930 after several years of membership growth following a period of temporary closure during and in the wake of World War I. Using the proceeds from the sale,



KA acquired and moved into its current location property at 160 St George Street in 1932; a time when St. George Street south of Bloor Street was almost entirely composed of detached, red-brick Victorian and Queen Anne Revival homes. Further south on St George Street near Harbord Street, the area was colloquially known as 'fraternity row' (with higher concentrations of existing fraternity houses located in the immediate fringes of the then-central part of the University's campus) (U of T Libraries, Chronology).

At 160 St George, the Kappa Alpha Society would become the newest neighbour of the University Women's Club of Toronto, which had purchased the group's clubhouse at **162 St. George Street** three years prior, in 1929. At this stage, the University Women's Club comprised a group of female students who had forged over 40 years of history. The first iterations of the club became established in 1887 under the guise of the 'Young Women's Christian Association'. The group provided an outlet for young female students at the University of Toronto to gather,



practise their religion, and discuss academic and literary topics, in a university environment where female participation was considerably segregated<sup>1</sup>. Several years later, the group would play a part in the establishment of the Women's Literary Society of University College in 1891 that would go on to publish annual works by women on campus. In 1901, the first University College Women's Drama Club was formed and in 1905, the first Toronto University Women's Athletic League was started. It was not until late April of 1903 that female members of University College would meet to formally establish the University Women's Association, later to become known as the University Women's Club of Toronto, the first university women's club of its kind in Canada (U of T Libraries, Chronology).

Both the 160 and 162 St. George Street properties were initially more distant from the core of the University than other fraternities and residences, many of which were further south on St George Street where it meets Harbord Street. Leading up to and throughout the 1950s, concerns on the University's part grew regarding private property owners' plans to develop St George Street and the lands that formed part of the University's future westward campus expansion plans (between St George Street and Spadina Avenue, on and south of Harbord Street).

In 1956, the University established the 'Plateau Committee' under the direction of University President Sidney Smith and Board Chairman Eric Phillips, and it was tasked to prevent private plans that would otherwise hinder the University's expansion, and launched an auspicious (and a retrospectively devious campaign to expropriate or purchase almost every property on and west of St George Street, including all the fraternity buildings on the then-called 'fraternity row'<sup>2</sup>. This area would later be demolished for the development of Robarts Library. The expropriated fraternities moved up into The

<sup>1</sup> For example, many colleges such as Trinity College were exclusively male until 2005, and women were not allowed into Hart House until 1972.

<sup>2</sup> The Plateau Committee would quietly begin acquiring properties within the interested area, but hiding the identity of the purchaser so that the University's intention would remain unknown. For instance, many of the properties were purchased 'in the name of employees of the superintendents office' (Friedland, M., p405)

Annex, with the Kappa Alpha Society at 160 St George Street becoming one of the last to remain inside the University “precinct”, alongside the University Women’s Club next door (Friedland, M., 458 - 462).

The 160 St George Street property itself is owned by The Kappa Alpha Residence Limited, a corporation established in 1901, which, together with the Chapter’s members and tenants each year, work to maintain the building in line with municipal standards. Similarly, the University Women’s Club at 162 St George was owned and maintained by its members and its Board for some 81 years: in 2010, it was purchased by the University of Toronto for \$4.3 million as an ‘important strategic site’ for University expansion and future redevelopment (U of T, Media Release, 2010).

In 2018, the Kappa Alpha Alumni Association met with University officials to discuss the University’s long-term vision as detailed in the current and proposed University of Toronto Secondary Plan which will guide campus planning and development into the future. The University disclosed its desire to acquire the property at this time, despite the Alumni Association’s intentions not to sell. Together with the University Women’s Club site that the University had acquired in 2010, the two properties would be amalgamated and the buildings demolished to allow for the development of an institutional building. In 2019, the University requested another meeting, indicating that the property had become a priority for the development of a future institutional building and that they would consider exercising their expropriation powers should the Kappa Alpha Alumni Association refuse to sell.

Currently, the situation remains at a standstill. In an Annual General Meeting held in late 2019, members of the active Kappa Alpha chapter and its Alumni met to discuss the organization’s collective decision on the situation as it had developed. Of these, several key options were discussed, including the unpopular option to sell the property to the University outright; waiting for the University’s next action, whether or not it be a move to exercise its expropriation power; or working with the University to consider some kind of ‘cohabitation model’, which might include severing the lot, retaining the rear, western frontage of the lot where a destitute coach house structure currently lies, and redeveloping it into a laneway house to serve as the organization’s ‘clubhouse’, albeit a much smaller one than the existing clubhouse.

Interestingly, conversations regarding the heritage value of both sites at 160 and 162 St George Street have been kept unusually quiet by all three parties: the University, the Kappa Alpha Alumni Association, and the University Women’s Club. The buildings are characteristic examples of the clashing and unique Victorian, Georgian, and Queen Anne Revival styles of architecture that embody so much of what St George Street used to be, and what makes places like The Annex just north of this area so distinctive. Even more curious is the fact that these two buildings are apparently the only two buildings of those that *do* remain on St George Street that are *not* listed *nor* designated heritage properties on the City of Toronto’s Heritage Registry - a list that includes all the original buildings built in the same era that are now converted, yet retained, institutional buildings, as well as most other fraternity houses that relocated north of Bloor Street on St George Street, following their expropriation by the University in the late 1950s and early 1960s.

This paper focuses on the nature of buildings with heritage potential and why we (should) value them in cities that are rapidly developing. With a specific focus on the 160 and 162 St George Street case study detailed above, the paper seeks to demonstrate the significant heritage value of both buildings in their own right, and how its property owners respectively should consider their preservation as important historical, architectural and cultural institutions which are imbued with such meaning to their residents, to their respective communities, to the history of the University.

In discussing the relevant provincial and municipal policy framework, as well as the University's vision as detailed in its current and proposed Secondary Plan, the paper strives to underscore the complicated interplay and potential conflict between buildings with heritage value and a given entity's expropriation powers to redevelop such sites within their legislated property rights. In doing so, this exploration into the relatively tenuous relationship between the University of Toronto and private property owners that own land parcels and buildings within its campus borders argues for the retention and heritage designation of both 160 St George Street and 162 St George Street, as physically, historically and culturally valuable buildings that engender unique narratives about student life at the University of Toronto since its beginnings in the late 1890s.

### **The Heritage and Expropriation Policy Framework**

The vision for Ontario's Land Use Planning System is described in the **Provincial Policy Statement** (2020) and outlines the Province's commitment to protecting and managing its heritage resources for their environmental, economic and social benefits. In fact, the long-term economic prosperity of the Province and its municipalities respectively is predicated in part on this very notion: 'encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes' (PPS, 1.7, e). This foundation set out in the PPS is reinforced by the Ontario **Planning Act**, stating that approving authorities on heritage matters, be they municipalities or private enterprises such as Universities' *'shall be consistent with'* the PPS (Section 3(5)).

The policy document goes on to state that 'significant built heritage resources and significant cultural heritage landscapes shall be conserved' (2.6.1) and that planning authorities shall not permit 'development and site alteration on adjacent lands to protected heritage property, except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved' (2.6.3). The means through which the PPS shall be implemented is, first and foremost, through the comprehensive and long-term planning vision outlined in a municipality's Official Plan, or, where applicable, through a Secondary Plan wherein a given subject property may be located within its boundaries (4.6).

Likewise, '**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**' (Growth Plan), sets policies aimed at protecting and preserving built heritage: 'Cultural heritage resources will be *conserved* in order to foster a sense of place and benefit communities' and that 'municipalities will

work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources' (4.2.7).

The Ontario **Heritage Act (1990)** is the most significant policy document that provides the legislative framework for the conservation of heritage resources in the Province, be they buildings, places, features, or landscapes. The framework enables municipalities and individuals alike to seek protections for said resources that contribute to and help us understand and appreciate the 'history of a place, an event or people'.

Two tiers of heritage value may be placed on a given property and included in a given municipalities heritage register. Properties that exhibit cultural heritage value or interest may be 'listed', signifying their value as examples of heritage resources that demonstrate their cultural significance (according to the criteria detailed shortly). While listed heritage properties are not necessarily protected from alterations, demolition or redevelopment, a commitment to their conservation is encouraged in policy 2.6.1 of the PPS; 'significant built heritage resources and significant cultural heritage landscapes shall be conserved'<sup>3</sup>.

The second tier of cultural heritage value identified in the Heritage Act is 'designation', which provides long-term protection of subject properties or resources 'through municipal by-laws and heritage conservation easement agreements'. Such properties must cohere with Ontario Regulation 9/06 in order to be designated a property or resource of 'cultural heritage value and interest'. The authority to identify, protect and preserve such properties through the issuing of such a by-law necessitates that an applicant pursues designation 'in accordance with the process set out in the heritage act, and demonstrates and satisfies all or one of three broad categories that constitute the Act's 'prescribed criteria':

1. **Design or physical value:** A property is 'rare, unique, representative or is an early example of a style, type, expression, material or construction method' that is emblematic of an epoch of a certain municipality or place's history. This may include whether a property 'displays a high degree of craftsmanship or artistic merit', or 'demonstrates a high degree of technical achievement'.
2. **Historical or Associative value:** A property is associated with a 'theme, event, belief, person activity, organization or institution that is significant to a community'. In turn, this criterion may (potentially) yield 'information that contributes to an understanding of a community or culture, and / or demonstrates the work of a person 'who is significant to a community'.

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<sup>3</sup> The qualifier, '*significant*', is somewhat of a vague word to assess *which* cultural heritage landscapes and properties should be conserved. This was made clearer in the 2014 Provincial Policy Statement which is technically still active, where its definition of cultural heritage landscapes included 'listed' buildings. The definition of cultural heritage landscapes in the 2020 Provincial Policy Statement, which comes into effect on May 1, 2020, has removed 'listed' properties from its description.

3. **Contextual value:** A property is 'important in defining, maintaining or supporting the character of an area', which may be a landmark<sup>4</sup>, or is 'physically, visually or historically linked to its surroundings'.

Should a property or resource be found to satisfy any one of the above criteria, there is potential for it to become a designated property of cultural heritage value or interest. In this case, policy 33(1) of the Heritage Act states that no property owner '*shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes*' as would have been detailed in the process of becoming 'served and registered' (33.1., p35). With designation, there is still a possibility that alterations may be permitted provided that 'the owner applies to the council of the municipality [...] and receives consent in writing to the alteration' (33.1., p35).

While efforts to conserve properties and resources of cultural heritage value and interest are encouraged by provincial policy, the fact that municipalities are conferred with the authority to list properties, and further, to designate, regulate and permit alterations put a burden of responsibility on municipalities and their respective approaches to, and metrics for evaluating, heritage.

The City of Toronto **Official Plan** contains a number of heritage conservation policies that emanate from the Provincial Policy objectives to which it must conform. Broadly speaking, the Plan commands that properties on the Heritage Register be conserved and maintained. Owners of heritage properties must retain the cultural heritage value and 'ensure that the integrity' of its heritage attributes be protected. Adaptive re-use of heritage buildings is encouraged, and any new construction on or adjacent to a heritage building must be designed to 'conserve the cultural heritage attributes' (Official Plan, 3.1.5.5., 3.1.5.6., 3.1.5.26)

The University of Toronto St George Campus occupies a significant portion of the City of Toronto's *Downtown*, and has undeniably been one of the City's most important developers since it was founded in 1827. The campus occupies approximately 70 hectares, and (today) is bounded by Bloor Street on its northern border, immediately beneath the Annex and Yorkville neighbourhoods, Bay Street on its eastern border, College Street on its southern border, and Spadina Avenue on the western border. Campus development and visions for how it will grow in the future are contained within the **University of Toronto Secondary Plan (2017)**.

The campus is broadly composed of institutional educational buildings, student residences, faculty and administrative buildings, and parks and open spaces. In select cases, there exist areas within the campus that are not entirely operated under the University's jurisdiction such as the remaining fraternity buildings on St George Street south of Bloor, and parts of the Harbord-Sussex Village.

In the Plan's stated objectives for the University of Toronto area, to 'Recognize and protect the Area primarily as an Institutional District' (2.1), and to 'Preserve, protect and enhance the unique built form, **heritage and landscape character** of the Area' (2.3) are among the few broad visionary statements

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<sup>4</sup> O. Reg. 9/06, s. 1 (2)

of the policy document. On the whole, the entire campus can be thought of as a 'cultural heritage landscape' - an area that has cultural heritage value to a community, including its buildings, spaces, views 'that are valued together for their interrelationship, meaning or association' - due to its longstanding significance as the City's oldest and largest institutional area (PPS, p42). The interrelationship of such features within the Campus' borders are important for the purposes of this paper. That the University of Toronto 'exhibits notable characteristics which distinguish it from the rest of the City: unique land division, ownership and building patterns, and a significant grouping of heritage buildings [...] provide an urban structure form and physical amenity within the City, *to be* protected and enhanced' (U of T Secondary Plan, p1). Among the various objectives, visions and development horizons stipulated in the University of Toronto Secondary Plan, it's commitment to heritage preservation is made clear: 'The heritage buildings and properties which are designated under the Ontario Heritage Act or listed on the City of Toronto Inventory of Heritage Properties **will be** conserved' (3.3.2). More broadly, the University's acknowledgement of the 'unique land divisions, ownership and building patterns' that comprise the overall cultural heritage character of the campus, and the belief that these idiosyncrasies strengthen that character is emphasized throughout the Plan.

### **Ontario Expropriation Act (1990)**

With such a focus on heritage identification, conservation and preservation at both the provincial and municipal levels, there comes an interesting conflict between the general, visionary interests of a municipality, and the developmental and growth-oriented interests of entities - like the University of Toronto - where many of the properties contained within the boundaries of its Secondary Plan - an area where it has considerable 'special' jurisdiction on development matters. Considering the case study detailed in the introduction of this paper, it is evident that the University as an institution has particular rights that, in such scenarios as those described, could potentially impinge on legislative concerns over heritage preservation.

The Expropriation Act vests entities with expropriation powers, allowing them the ability to 'enter upon, take, use and expropriate lands (or properties) (...) *deemed necessary* for the purposes' of that entity, without the consent of the property owner. Qualifying what is 'deemed necessary' falls under the purview of an appointed inquiry officer, who will 'inquire into whether the taking of the lands or any part of the lands of an owner or of more than one owner of the same lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority (S.7 (5)). The **University Expropriation Powers Act**, R.S.O. 1990 transfers these powers to select universities in Ontario, in cases where there is land 'considered necessary for the purposes of the university'.

In cases where the Expropriation Act comes into conflict with 'any other general or special Act', the ability for an entity with expropriation powers to expropriate lands prevails, provided the reason for

expropriation is in accordance with the Act and is approved by the relevant expropriation authority<sup>5</sup>. In such an instance, the expropriation power is required to apply to council to be granted a permit for demolition, after which point municipal council or the relevant expropriation authority has 90 days to reach a decision to refuse, consent to, or consent with terms and conditions, demolition. At this stage, council *should* consider attaching terms and conditions to their decision (within reason), if there is risk that the property owner's plans will completely eradicate the heritage value of the site or structure. In any case, the property owner will typically be required to provide full documentation of a heritage building or structure as well as their plans for the site prior to any action taken on their part. Several steps may result as a consequence of refusal if the expropriating power chooses to appeal the decision (which they must do within 30 days of receiving council's decision). The appeal would be escalated to the Local Planning Appeals Tribunal (LPAT) after which point any decision made will be final.

That the powers vested in the Expropriation Act prevail over other Acts creates an interesting conundrum where the power to expropriate may conflict with provincial and municipal commitments to heritage conservation. Generally speaking, expropriating lands or properties with (potential) cultural heritage value with the intent of redevelopment is unusual - it typically goes the other way: the province and municipalities have frequently expropriated lands for the purpose of conserving heritage, not to demolish it. In select cases, owners of heritage properties may have left their structure to deteriorate to a state of disrepair, prompting 'demolition by neglect' where damages to the heritage property are irreversibly dire. Where the prolonged presence of such a building impedes the development of another building or service that serves the public interest and can be demonstrated as such in a 'fair, sound, and reasonably necessary' manner to achieve certain objectives, expropriation of such a heritage building seems acceptable. For instance, in 2017, Toronto City Council recommended and eventually approved the demolition of a dilapidated, designated heritage property within the Cabbagetown South Heritage Conservation District, in order for the Yonge Street Mission to replace it with an infill building containing resources for new businesses, employment and entrepreneurship. Serving at best as an example of 'design or physical' cultural heritage value, the existing building, which had been heavily altered by its owners over the years, and which had gradually deteriorated into increasing states of decay, could reasonably be judged to have rescinded its cultural heritage value and no longer served the public interest as an emblem of the Cabbagetown South Heritage District. Ultimately, council's ruling to accept the demolition of the site put it to better use.

### **Policy Applicability to 160 and 162 St George Street & The Case for Cultural Heritage Value**

As outlined in the initial discussion of the case study guiding this paper, the University of Toronto has a history of expropriating buildings within its campus area, most notably in the expropriation, demolition and redevelopment of 'fraternity row' and other similar private property sites in and around

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<sup>5</sup> For expropriations on behalf of university's the expropriation authority is the Province of Ontario's Incumbent Minister of Colleges and Universities.



the St George Street and Harbord Street areas and in Harbord-Sussex Village. By and large, these expropriations during the late 1950s, while considerably covert, were necessary to accommodate the University's westward expansion at a time when the campus was significantly smaller, during an era where the first wave of 'baby boomers' were set to arrive at the University *en masse*. By today's understanding of the Expropriation Act, the need for the University to expand into the western portion of contemporary campus boundaries during the 1950s and 60s was clearly necessary if the institution were to offer University placements to the influx of students of the 'baby boomer' generation. Lacking the required institutional, academic and student resident buildings at the time would have significantly hampered the University's objective and business mandate to grow as an institution and attract students from across Canada, and the world and to continue its development as one of Canada's oldest and most renowned academic institutions.

Some of the expropriation orders were contested, however. The Zeta Psi fraternity, once located at 118 St George Street, was the 'preeminent site in Toronto for a fraternity house, [...] its only rival for that distinction, the Kappa Alpha Fraternity house at the north-west corner of Hoskin Avenue and Devonshire Place, had been expropriated by the University' many years before, in 1930. In 1964, the *University of Toronto v. Zeta Psi Elders Association of Toronto*, [1969] S.C.R. 443 case began, with the Zeta Psi Elders Association of Toronto, having had their fraternity house expropriated for University expansion, contesting the Ontario Municipal Board's decision to fix compensation of \$160,000, equivalent to approximately \$1,420,000 today. That compensation amount was later increased to \$202,260 (equivalent to approximately \$1,800,000 today) at the Court of Appeal, which the University would appeal and the fraternity later cross-appeal. The cross-appeal requested compensation for the value of the land for redevelopment purposes, as well as the actual reconstruction cost of the building itself, and led to an extensive and expensive series of hearings that were escalated up to the Supreme Court of Ontario, lasting some five years until the eventual ruling was made (Supreme of Canada., 1969).

The case study of both 160 and 162 St George Street presents a vastly different context to that of Zeta Psi in a number of ways. First and foremost, today's expropriation policies cohere to the 1990 Expropriation Act, where before, in Zeta Psi's case, the active legislation was the Expropriation Procedures Act, 1962-63 (Ont). More so, however, is the fact that heritage, and heritage conservation as a concept, was not something widely considered at the municipal or provincial level. The first Heritage Act in Ontario would not come into force until 1975, meaning no appeal to or consideration of heritage - physically, associatively, or contextually - could be made in Zeta Psi's favour could have been made in its defence<sup>6</sup>. Nor was that the Zeta Psi Elders Association's intention, given that, while it is certain they regretted losing their society's clubhouse, their primary motive in the legal case was to appeal for higher compensation in accordance with the damages they felt their organization had suffered. By the same token, an argument could not have been made with legal weight, purporting to the contextual history of the society's presence on campus. Having occupied the building from 1898 until expropriation in 1964, the building was less than a Century old at the time and had less than 70

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<sup>6</sup> If they could have, a good case could have been made for at least the latter two criteria. Associatively, the society and the building at one time housed John McCrae, one of Canada's most noted poets, who would leave University to fight in the First World War, writing 'In Flanders Fields' in the trenches, never to return home. Contextually, the building served as the first clubhouse of Canada's first fraternity organization, which played a highly active role in campus life from the late 19th Century until it was expropriated in 1964.

years of occupancy. By today's standard of heritage, their case in 1964 for both physical and cultural heritage value would be weaker than for a century-old building with some kind of cultural or associative history attached to it.

As of yet, no notice of expropriation has been served to the Alumni Council of the Kappa Alpha Society that owns the property at 160 St George Street on the University of Toronto's St George Campus. The University did purchase the property at 162 St George Street in 2010, which had until this point, served as the clubhouse for the University Women's Club since their members bought the property in 1929. Neither building is a listed or designated heritage building under the Ontario Heritage Act, despite each property demonstrating physical, associative and contextual heritage attributes for municipal designation under Part IV of the Ontario Heritage Act.

### Design or Physical value

Both 160 and 162 St George Street demonstrate considerable physical attributes that could be considered as examples of cultural heritage interest.

The earliest 160 St George Street appears in archived City of Toronto directories is in 1899, home to Angus Kirkland who was a bank manager for a Bank of Montreal branch at Yonge Street and Front Street.

Kirkhoff see Kerkhoff  
Kirkland see also Kertland  
" Alexander, mach Massey-Harris Co,  
b 148 Strachan av  
**Kirkland Angus, Manager Bank**  
of Montreal Front w, n w cor  
Yonge, h 160 St George  
" Archibald, carp G T R, h 85 Glad-  
stone av  
" Archibald, carp, h 39 Homewood av

Source: 1899 City of Toronto directory

The building is an example of Queen Anne Revival architecture with Victorian and Georgian Revival architectural elements that typify the residential properties of the late 1890s still present today on St George Street and in The Annex neighbourhood.

Clad in the red brick that is emblematic of this era of the City's development, the property's main eastern elevation originally featured a small, gabled terrace concealing the front door, and four storeys of asymmetrical windows facing out onto St George Street. Of these, only the windows of the top two storeys remain of the original facade, due to a renovation to the street-facing living rooming fronting St George Street. The renovation saw the development of a large bay window looking out onto St George Street, equally emblematic of the Queen Anne Revival style.



On the second floor a small bay window is framed with copper roofing, above which the roof's main gable is finished with intricate dentil detailing and is supported with wooden cross beams. The outward facing window is framed with carved wooden sills, supported by stone lintels beneath.

The property has similar architectural features on both its side and rear elevations, which demonstrate the property's physical, visual and historical relation to the surrounding Huron-Sussex neighbourhood just east of the subject site, as well as the remaining former residential buildings on St George Street. Each of the property's elevation's principal roof gable is structurally supported by wooden cross beams and wooden brackets, each exhibiting slightly different wooden detailing and crafted dentils.

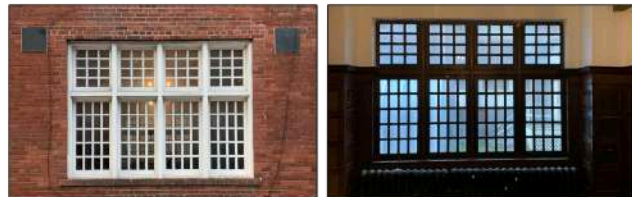


Above [Left - Right]: East , North, West, South facing unique roof features  
Below: Front Doors with angled brick voussoir; [below]: Chapter Coats of Arms

The property's main entrances on the south elevation is topped with an intersecting red brick *voussoir* and is supported by a thick lintel at the base. Thick wooden panelling with handcrafted detailing lines the entrance to the property, leading into the main living room and dining room.



The dining room features two large multi-sash panelled windows that respectively face each other and outwards to the north and south. Wood panelling lines the inside of that room up to the ceiling, with thick, hand-carved wooden beams supporting the principle door frames. Hand-painted coats of arms for each chapter of the society line each wall in the room, a gift of the members of 1964-65 in memory of a member who passed.



Above that room on the south elevation of the house, one room features a semi-domed copper roof that protrudes from the principal roof. On the opposite, north facing elevation of the house, an array of asymmetrical windows is scattered on the red brick facade.

**162 St George Street** is a less remarkable building due to a number of significant alterations and renovations to the house since its early days in the 1920s. While a number of the renovations have been superficial, many features of architectural heritage value remain.

Gables in the main roof structure are detailed with similarly carved wooden dentils as on 160 St George Street. Original red brick chimney structures rise from it, and much of the original masonry and stonework is visible on the east, south and west facades of the building.

### **Historical or Associative value**

The historical and associative value of both 160 and 162 St George Street presents perhaps the strongest case for each building's cultural heritage value, with both acting as important campus institutions that have contributed significantly to student life throughout the history of the University of Toronto. Unlike many of the other listed and designated heritage buildings of their kind on St George Street that were at one period of time the homes of important figures in the City of Toronto, these houses symbolize over 80 years of each organization's history, and further, are symbols of each organization's 120-year history at the University of Toronto.

Despite the pejorative connotations that fraternities may carry today (and rightly so, in many instances), fraternities have been significant in the development of campus life in North American universities since their earliest days. The Kappa Alpha Society is the University of Toronto's second-oldest example of that history, and the longest -example of a fraternity organization in Canada to have remained in one building over time.

Alumni of the Kappa Alpha chapter at the University include William '*Billy*' Lyon Mackenzie King (1895), who would become the longest-serving Prime Minister of Canada. His contribution to campus life at the University of Toronto includes leading the 'largest mass meeting in the history of the University', consisting of some 700 students in 1895, to demand educational reform at the University. His other contributions include participating consistently in political discourse at the University and writing for *The Varsity* student newspaper (Friedland, M., p159).

By 1915, 116 of the 164 active and alumni members of the Kappa Alpha Society at the University had halted their studies to serve their country in World War I. Ten of those members would be included in the first Canadian contingent sent to England. Many lost their lives, and many of those who returned after the war became Honoured Soldiers of the war. A similar story would re-occur during World War II, with some 204 members serving and 14 making the ultimate sacrifice. A brass plaque is displayed in the property today commemorating those members who halted their studies to serve their country, some of whom gave their lives. Both the plaque and the house itself serve as a symbol and reminder of a 'theme' and an 'event' that is significant to a community - both ones that drastically defined two dark eras that Canadians and students of the University of Toronto experienced, and more narrowly, a period that would have a drastic impact on the Kappa Alpha community and its members (Tarleton, R. S., pp177 - 183).

Early incarnations of the University Women's Club such as the Toronto Women's Literary Club were spearheaded by pioneering female University of Toronto students intent on bringing women's suffrage to the fore in a highly segregated, patriarchal period of the University's history. Of these early members, Emily Stowe, who would become the first woman in Canada to work as a practicing physician, was, during her university career and after, a staunch advocate and activist for women's

suffrage (Friedland, M., p.87) . Another prominent member of the University Women's club, among many others, was Madam Justice Mabel Van Camp, an active member of the organization throughout her university days in the early 1940s, who would become the first Canadian female judge to be appointed to the Supreme Court of Ontario in 1971 (Gibson, S., Osgoode Society).

The women's club equally played an active role on campus through both World Wars, through fundraising initiatives and the preparation of 'surgical dressings and kit bags for the Red Cross and the U of T Hospital Association' (U of T Libraries, Chronology).

Even today, the group is highly centred around the empowerment of women and children through (higher) education and scholarships, while also pressuring local governments on issues related to women's and children's safety, educational reform, and so forth. Since its inception as the first university women's club of its kind in Canada, the group to this day has been a pioneer of equity initiatives, empowerment through education, and equality of opportunity. To my mind, the associative and historical value of such an organization is inextricably tied to the clubhouse it owned and operated from the group's early days on campus. While the organization did sell the property to the University in 2010, I believe it is undeniable that the building, while altered and renovated, carries with it the legacy of the brave and vocal women throughout the University's history who fought for what it is today. In this sense, to say that the building, as embodied by its members and their history, is 'significant' to the organization's community, as well as to that of the University, the City, the Province and the Country, is an understatement.

### **Contextual value**

A combination of the central arguments for both of the former criteria can be characterized as a basis for each building and each organization's 'contextual value' on the University of Toronto, St George Campus. In the case of the Kappa Alpha fraternity house, and slightly less so in the case of the University Women's Club (considering its various renovations), each building's architectural features on its east and west facing facades demonstrate visual and historical relations to St George Street and the Huron-Sussex neighbourhood respectively. While neither building is necessarily a 'landmark' with the same grandeur that other University buildings exhibit, their continued existence and consistent use and purpose over the course of a century certainly qualifies them as 'important' buildings 'in defining the character of an area'. Both buildings are a significant homage to the former character and identity of this portion of St George Street.

While many similar buildings in the vicinity contribute to this character - a list that includes: the William Crowther / Max Gluskin House at 150 St George Street; the Thomas W. Wilson House at 407 Huron Street; the G. Gooderham House (now the York Club) at 135 St George Street; the buildings at 174, 176 and 178 St George Street; the E.Y. Easton House, now the Delta Kappa Upsilon fraternity house at 157 St George Street; the T.W. Horn House, now the Zeta Psi fraternity house at 180 St George Street; the H.L Hees House, now the Delta Upsilon fraternity house at 182 St George Street; and the Charles B. Powell House at 212 St George Street (all of which are either designated or listed heritage buildings) - to see the loss of both 160 and 162 St George Street would constitute a loss to the overall

character of the area. Both are buildings erected in the same decade as those listed, and few on that list have as long or as consistent a context (City of Toronto, Staff Action Report., City of Toronto, Heritage Registry).

### **The University's commitment to Conserve vs the University's commitment to Develop**

While the University of Toronto is currently working towards a new Secondary Plan that will define its development mandate into the future, the current Secondary Plan states that 'the heritage buildings and properties which are designated under the Ontario Heritage Act or listed on the City of Toronto Inventory of Heritage Properties will be conserved' (3.3.2). Should the properties at 160 and 162 St George Street be listed or designated under the Act, it would remain to be seen whether this clause of the current Secondary Plan could be or would be repealed when or if the new Plan is approved. Currently, the University's self-stated policy of conserving heritage comes into direct conflict with its expropriation powers to take land and properties deemed necessary to its purposes. While the University currently owns the former University Women's Club, and *if* the University were to successfully expropriate the Kappa Alpha Fraternity house, demolishing either of them for redevelopment would come as a direct contradiction to its commitment to heritage conservation as formalized by the word '*shall*'. This portion of St George Street constitutes the 'St George Infill' character area of the proposed Secondary Plan, indicating that it is an area thought of on the University's part as one that is ripe for infill (re)development. However, it is not stipulated in the current Plan that this commitment is limited to or considered only in specific character areas of the Campus, like the Historic Campus where most of the buildings are designated heritage properties.

Another difficulty in assessing the validity of a possible expropriation on the ground of what is 'deemed necessary' for the University's purposes is how to compare institutional growth, particularly if it doesn't involve the essential development of more student residences or housing, against the value of and commitment to heritage conservation as stipulated in every level of relevant legislation, from the Province, down to the Secondary Plan for the area.

Even by that token, 160 St George Street in today's context is a primary example of a residential building that is thoroughly transit-oriented and would receive a near-perfect walking score due to its location. Situated well within the 500-metre radius of five major transit station areas, as outlined in the Growth Plan (2019), the demolition of a such a building would seem counterintuitive to one of the main and most general principles that guide urban development in Toronto today. Of course, the site could have a higher and better use, for example, if it could be replaced with a tower and provide housing to more University of Toronto students, but that would necessarily come at the expense and in direct contravention of the intrinsic and stipulated value of heritage conservation on Campus. While no plans to supplement the University's stated intention of acquiring both 160 and 160 St George street have been provided, the University's representatives did indicate, when in discussions with members of the Kappa Alpha Alumni Association that that they wanted both lots to develop a student centre, *not* student residences or new academic buildings.

## **Concluding Remarks**

The case of 160 and 162 St George Street pose an interesting conflict to the University's development mandate where such expansion plans may contradict its stated commitment to the conservation of heritage properties within its boundaries. Under the current expropriation laws that govern and vest authority in the University of Toronto to expropriate lands deemed necessary to its purpose of expanding, and is justified in its interest in and intention to expropriate the lands of 160 St George Street.

However, if both 160 St George Street and 162 St George Street were to gain heritage registration or designation, the onus is on the University to conform to the integrity of their commitment to heritage conservation. As two organizations with unique histories that have played important roles in campus life at the University of Toronto for over a century, the contextual and cultural heritage value of each building, and the legacies they engender, are demonstratively valuable to the Province's heritage register.

Municipal councils have the power to prevent a designated property's demolition by refusing written consent from council. Section 36 (2) of the Heritage Act states 'subject to the Expropriations Act, the council of every municipality may pass by-laws providing for the expropriation of any (designated) property (...) for the purposes this of this Part and may sell, lease or otherwise dispose of the property, when no longer so required' (Heritage Act). Given these powers, for a provincial approving authority and demolish heritage buildings seems as if they would come into conflict with the demonstrated commitment to heritage preservation on council's part and the powers conferred on them to prevent such demolitions where applicable.

Whether the University does expropriate 160 St George Street remains to be seen. If they do, a heritage assessment will have to be conducted as part of their redevelopment proposal to be approved by council. Given the extensive history of the building, as well as that of 162 St George Street, council should be pressed to consider the cultural heritage value of each building by way of each of the three categories - physical, associative and contextual, enough so to consider refusing written consent for demolition or alterations. Their loss would be significant to the University's character today and the history of students on the University of Toronto campus who have so long participated actively in campus life, playing small, albeit essential roles in making the University the valuable and historic institution in Canada that it is today.

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