



OFFICE of
THE PRESIDENT

December 5, 2024

VIA E-MAIL: CLERKS@GUELPH.CA

City Clerk
City of Guelph
Guelph City Hall
1 Carden Street
Guelph, ON N1H 3A1

Attention: Dylan McMahon, Acting General Manager/ City Clerk

Dear Mayor and Members of Council:

Re: December 10, 2024 City Council Meeting

Item No. 2.3 – 37 Christie Lane – Application to Deconstruct Cultural Heritage Resources – 2024-514

Written Submission from the Owner/Applicant, the University of Guelph

The University of Guelph (the “**University**”), the owners of D.M. Rutherford Conservatory (the “**Conservatory**”) located at 37 Christie Lane on the University campus (“**37 Christie Lane**”), make the following request of City Council:

Request

- (1) That City Council reject the City’s heritage committee’s (“**Heritage Guelph**”) recommendations regarding the Application to Deconstruct the Conservatory (“**Permit Application**”) as these recommendations: (i) raise several matters that are not appropriate under the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the “**OHA**”); (ii) would lead to expensive undertakings that are not financially feasible for the University; (iii) would not result in any additional recognized heritage attribute being preserved; and (iv) would prolong the retention of an unsafe structure.
- (2) City Council accept City Heritage Planning Staff’s recommendation regarding the University’s Permit Application. More specifically, this City staff recommendation is to approve the Permit Application, and therefore deconstruction of the Conservatory on the condition that salvageable steel be retained and conserved for future use in a commemorative structure.

Background

The Conservatory was built between 1930 and 1931 to support the Department of Horticultural Science within the Ontario Agriculture College. The Conservatory was constructed as a one-storey building complete with a steel primary and secondary structure, cypress wood mullion and rafters and float glass. The Conservatory has undergone several restorations since it was built. While the Conservatory was used by the University in the past, it has served no academic or research function for the past 15 years.

By 2022, the Conservatory again began showing signs of advanced deterioration. Between fall 2022 and November 2023, two independent structural assessments were completed, and both were in alignment that the rot of the wooden elements was significant and widespread to the point where a full rebuild of the structure was required. In November 2023, the second structural engineer recommended the Conservatory be closed to the public as a safety precaution. Following the closure, the University commissioned a third and final structural and building code assessment, carried out by Tacoma Engineers and Grinham Architects (the "**Tacoma Assessment**").

The Tacoma Assessment found that 75% of the wood framing of the Conservatory is in poor condition, steel framing was in good to fair condition, and float glass was broken or displaced in several locations. The Tacoma Assessment recommended that the University continue to restrict access to the structure to mitigate the risk of falling glass and deteriorated wood.

The Conservatory is not easily maintained and has a relatively short lifecycle of 25 to 30 years. All three independent structural engineering assessments of the Conservatory are aligned regarding the widespread structural issues and have concluded that the Conservatory would have to be rebuilt at a cost of over \$5 million with annualized maintenance costs of \$200,000 to \$250,000. This is not financially feasible for the University.

Demolition Permit and Notice of Intent to Designate

Given the conclusions of the three structural assessments, the University seeks to decommission and demolish the Conservatory. In the Conservatory's place, the University plans to construct a commemorative garden. Given the urgency to address the public safety hazard that the Conservatory presents and to act upon the recommendation to remove its glass and the deteriorated wood supporting the glass before the onset of winter, on October 10, 2024, the University submitted the Permit Application to the City.

Subsequently, on November 21, 2024, the City released a Notice of its Intention to Designate the Conservatory (the "**NOID**") as a property of cultural heritage value or interest under section 29, Part IV of the OHA. While the University has doubts that the Conservatory meets the criteria noted in the NOID, the University is amenable to working with the City to preserve the only element that the NOID considered as a heritage attribute, which is the salvageable steel elements of the conservatory structure.

We understand that during the Heritage Guelph meeting on December 2, 2024, Heritage Guelph indicated that it does not support the deconstruction of the Conservatory. We also understand that Heritage Guelph intends to bring a motion to Council recommending the following:

- Defer discussion related to deconstruction/demolition of 37 Christie Lane to their January 2025 planning meeting, in order to allow for greater public consultation and consideration of alternatives to deconstruction/demolition;
- No deconstruction application be granted until after a design for the commemorative structure is completed and has been reviewed by Staff, Heritage Guelph, and Council;
- Encourage the University to complete immediate maintenance items outlined by Tacoma Engineering regarding the painting and protection of steel components to protect further loss of heritage elements. That glass be removed temporarily and stored to prevent further damage from snow loads;
- The limestone, which was salvaged from non-extant OAC barns and localized to Guelph, be included in the list of heritage attributes informing the deconstruction and design of a commemorative structure;
- Include the glass as a heritage attribute and salvageable material;
- As much of the salvageable material be retained and that all salvaged material be used in the design of the commemorative structure and not some, as indicated by the University's letter (November 29, 2024); and
- Encourage the University to complete both a pre-deconstruction and post-deconstruction salvageable material audit using a CAHP certified professional, and that these reports be provided to Council, Staff, and Heritage Guelph.

We reject all of these recommendations because: i) these recommendations raise several matters that are not appropriate under the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "**OHA**"); (ii) would lead to expensive undertakings that are not financially feasible for the University; (iii) would not result in any additional recognized heritage attribute being preserved; and (iv) would prolong the retention of an unsafe structure.

A Staff Report dated December 10, 2024, to City Council, continues to recommend that City Council approve the deconstruction of the Conservatory on the condition that salvageable steel be retained and conserved for future use in a commemorative structure. Specifically, the Staff Report states:

The University of Guelph has committed to salvaging and retaining the steel elements of the conservatory structure for future re-use in a commemorative structure. This aligns with Council's direction from the November 13 Council Planning meeting that the heritage attributes in the designation by-law be limited to the salvageable steel elements of the conservatory structure.

The recommendations of Heritage Guelph are contrary to the recommendations in the Staff Report and City Council's prior direction. We also note that the request from Heritage Guelph seeks to preserve items that are not identified in the Notice of Intent to Designate, and as such is contrary to the *OHA*. Given the immediate safety concerns posed by the Conservatory as noted in all three structural assessments, we are also very concerned about the request by Heritage Guelph to delay this matter further.

Additionally, the request to require the University to complete the maintenance set out in the Tacoma Assessment while the matter is delayed is not the best use of limited University resources especially if the Permit Application is ultimately granted. Reconstructing and upkeeping the Conservatory is prohibitively expensive for the University.

We thank you for consideration of this submission. Should you have any questions and/or concerns regarding the above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Van Acker', written in a cursive style.

Rene Van Acker
Interim President and Vice Chancellor

cc: City Planner