

A Short History of Wychwood Park

“Wychwood Park was named after Wychwood Forest in Oxfordshire England, by Marmaduke Matthews, a landscape painter. He built the first house here in 1874 hoping to establish an artists’ colony. In 1891 a subdivision plan was registered and a park reserve, including Taddle Creek and its pond, was vested in trust for the use of property owners. Many of the early houses are by Toronto architect Eden Smith and reflect the English Arts and Crafts movement – simple composition and traditional English house forms, blended with the natural landscape site. In its origins, development and operation, the Park is a unique and early example of a planned community in Toronto. Wychwood Park was designated as a Heritage Conservation District under the Ontario Heritage Act in 1985.” *[Toronto Historical Board, 1986]*

“Whatever might be said about the decision to designate Wychwood Park as a Heritage Conservation District, it cannot be said that it was made hastily or undemocratically. The designation process took ten years to accomplish. It involved many, many meetings and discussions within the Park and a great deal of interaction with municipal and provincial authorities.... On May 21 [1985], City Council adopted the Neighbourhoods Committee report and enacted by-law no. 481-25 designating the Park as a Heritage District. On March 17, 1986, the Ontario Municipal Board approved the by-law ...” *[Peter Russell, Introduction, Wychwood Park Conservation District Plan (“the Green Book”)]*

The Revised District Plan (the “Yellow Book”) was adopted by the Toronto Historical Board on March 30th, 1994, and by Toronto City Council on May 9th-10th, 1994. *[Introduction to the Revised District Plan]*

“Wychwood Park is a unique, small community in the City of Toronto that is subject to a Trust Deed that was registered with the Registry Office of the County of York on July 3, 1891 (the Trust Deed).

The Trust Deed appoints trustees charged with maintaining the roadways, drives and parks as private property for the benefit of the property owners within the boundaries of Wychwood Park. The City of Toronto does not maintain the Park property. Since its inception in 1891, the Trust Deed has governed the relationship between the Wychwood Park property owners, and it has stipulated the mechanism for assessing the payment of maintenance fees for the shared Wychwood Park facilities, including: the private roads, ravine, stream and tennis courts.” *Black vs. Owen [2016] ONSC 40 (Superior Court of Justice - Divisional Court, reasons of Wilson, J. at para. 2- 3.*

“To summarize, the obligation under the Trust Deed to pay the annual levy is unenforceable as against the appellants. While this conclusion may have implications for the rights and obligations of the trustees and other landowners in Wychwood Park under the Trust Deed, the assessment of those rights and obligations is not before this court. *Black v. Owen, 2017 ONCA 397 (CanLII), decision of Ontario Court of Appeal, para. 73.*