

21 Properties with Heritage Easement Agreements – Intention to Designate, Part IV, *Ontario Heritage Act*

Date:	April 2, 2007
To:	Toronto Preservation Board; Toronto and East York Community Council
From:	Director, Policy and Research, City Planning Division
Wards:	18, 19, 20, 21, 27, 28, 30 and 32
Reference Number:	

SUMMARY

This report recommends that City Council state its intention to designate the 21 properties listed in Recommendation No. 1 under Part IV of the *Ontario Heritage Act*.

Each of the 21 properties has a heritage easement agreement registered on title or City Council has granted authority to enter into a heritage easement agreement. City Legal has advised that any property with a heritage easement agreement should also be designated under Part IV of the *Ontario Heritage Act* to allow the Chief Building Official to refuse to issue a permit on the basis of lack of conformity with applicable law.

RECOMMENDATIONS

City Planning Division recommends that

1. City Council state its intention to designate the following 21 properties under Part IV of the *Ontario Heritage Act*:
 - i. 51 Bond Street (Metropolitan Church Parsonage) – Ward 28;
 - ii. 426 Coxwell Avenue (City Street Cleaning Stables and Office Building) – Ward 30;
 - iii. 8 Elm Street (James Fleming Buildings, formerly known as 8-12 Elm Street) – Ward 27;
 - iv. 2270 Gerrard Street East (Lake Simcoe Ice Company Building, formerly known as 2276 Gerrard Street East) – Ward 32;
 - v. 34 Isabella Street (Jarrod Sessions House) – Ward 27;
 - vi. 61-63 Jarvis Street (Clarkson Jones Buildings) – Ward 28;

- vii. 338 Jarvis Street (John Lavelle House) – Ward 27;
- viii. 40 King Street West (John McKay Store, formerly known as 36 King Street West and now located at 11 Adelaide Street West) – Ward 28;
- ix. 44 King Street West (Bank of Nova Scotia Building) – Ward 28;
- x. 214 King Street West (Canadian General Electric Building) – Ward 20;
- xi. 833 King Street West (Charles Hanson Canadian Laboratory) – Ward 19;
- xii. 915 King Street West (Massey-Harris Office Building) – Ward 19;
- xiii. 56 Queen Street East (Metropolitan United Church) – Ward 28;
- xiv. 2 Queen Street West (Philip Jamieson Building) – Ward 27;
- xv. 145 Queen’s Quay West (Toronto Ferry Company Waiting Room) – Ward 28;
- xvi. 436 Wellington Street West (Monarch Building) – Ward 20;
- xvii. 40 Westmoreland Avenue (Church of St. Mary the Virgin and St. Cyprian) – Ward 18;
- xviii. 76 Wychwood Avenue (Wychwood Car Barns) – Ward 21;
- xix. 104 Yonge Street (Upper Canada Bible and Tract Societies Building, formerly known as 102 Yonge Street) – Ward 28;
- xx. 1050-1052 Yonge Street (Crescent Road Apartments, formerly known as 1046 Yonge Street) – Ward 27; and
- xxi. 70 York Street (Frederick Crompton Buildings, formerly known as 74-76 York Street) – Ward 28;

2. If there are no objections to the designations in accordance with Section 26(6) of the *Ontario Heritage Act*, the solicitor be authorized to introduce the Bills in Council designating the properties under Part IV of the *Ontario Heritage Act*;
3. If there are objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designations for which there are objections to the Conservation Review Board; and
4. The appropriate City Officials be authorized and directed to take necessary action to give effect thereto.

Financial Impact

There are no financial implications resulting from the adoption of this report. The public Notices of Intention to Designate will be advertised on the City’s web site in accordance with the City of Toronto Act provisions.

DECISION HISTORY

This is the second of two reports recommending that the approximately 40 properties with heritage easement agreements in place or pending be designated under Part IV of the *Ontario Heritage Act*. The first report (dated March 7, 2007), recommending that 20 properties be recommended for designation, was on the agenda of the Toronto Preservation Board for consideration at its meeting of May 11, 2007. It is anticipated that the March 7, 2007 report will be considered by the Toronto and East York Community Council on May 29, 2007. This report recommends that 21 additional properties with heritage easement agreements be recommended for designation. The two remaining properties, one located in Etobicoke and the other in Scarborough, are the subject of separate reports to the Toronto Preservation Board and the respective Community Councils.

ISSUE BACKGROUND

There are over 40 properties included on the City's heritage inventory for which heritage easement agreements have been registered or City Council has granted authority to enter into an agreement. A heritage easement agreement is a voluntary agreement between the City and a property owner and is considered the strongest form of protection for heritage properties because it is registered on title and usually runs in perpetuity. These 44 properties are not currently designated under Part IV of the *Ontario Heritage Act*.

City Legal advises that when the City's Chief Building Official (CBO) receives a permit application, Toronto Building cannot refuse to issue the permit unless to do so would contravene the *Building Code Act*, the building code or any other "applicable law." In the *Building Code Act* (Section 22), heritage easement agreements are not referenced as "applicable law" and cannot be used as grounds to refuse a permit. However, in the *Building Code Act*, the *Ontario Heritage Act* is referenced as applicable law concerning designation, and the CBO can refuse to issue a permit where to do so would conflict with the designation.

For this reason, it is important that the properties with heritage easement agreements in place or in progress also be protected under Part IV of the *Ontario Heritage Act*. In addition, designation is a requirement to be eligible for the City's heritage property tax rebate program.

The heritage easement agreements already in place or pending for the 21 properties listed in Recommendation No. 1 describe the "heritage attributes" of each property that the owner has agreed to preserve. In many cases, the heritage easement agreement was negotiated as part of a development agreement that resulted in changes to the property and the identification of only portions of the building as heritage attributes. The Reasons for Designation attached (Attachments No. 1B through 21B) describe the same heritage attributes identified in the heritage easement agreements. As a result, the City is not imposing any additional restrictions on the property owners.

COMMENTS

The 21 properties identified in Recommendation No. 1 of this report are worthy of designation under Part IV of the *Ontario Heritage Act* for their cultural heritage value or interest, and meet the criteria for municipal designation prescribed by the Province of Ontario. Location maps and photographs are attached (Attachments Nos. 1A-21A).

The Reasons for Designation (Attachments Nos. 1B-21B) are intended to be posted on the City of Toronto's web site and served on the owners of the properties and the Ontario Heritage Trust according to the provisions of the *Ontario Heritage Act*. The Reasons for Designation for each property includes a statement of the cultural heritage value with a description of its heritage attributes.

This report recommends that City Council state its intention to designate under Part IV of the *Ontario Heritage Act* the 21 properties listed in Recommendation No. 1, which have heritage easement agreements in place or pending.

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SIGNATURE

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ATTACHMENTS

Attachment No. 1A: Location Map and Photograph, 51 Bond Street
Attachment No. 1B: Reasons for Designation, 51 Bond Street
Attachment No. 2A: Location Map and Photograph, 426 Coxwell Avenue
Attachment No. 2B: Reasons for Designation, 426 Coxwell Avenue
Attachment No. 3A: Location Map and Photograph, 8 Elm Street
Attachment No. 3B: Reasons for Designation, 8 Elm Street
Attachment No. 4A: Location Map and Photograph, 2270Gerrard Street East
Attachment No. 4B: Reasons for Designation, 2270Gerrard Street East
Attachment No. 5A: Location Map and Photograph, 32 Isabella Street

Attachment No. 5B: Reasons for Designation, 34 Isabella Street
Attachment No. 6A: Location Map and Photograph, 61-63 Jarvis Street
Attachment No. 6B: Reasons for Designation, 61-63 Jarvis Street
Attachment No. 7A: Location Map and Photograph, 338 Jarvis Street
Attachment No. 7B: Reasons for Designation, 338 Jarvis Street
Attachment No. 8A: Location Map and Photograph, 40 King Street West
Attachment No. 8B: Reasons for Designation, 40 King Street West
Attachment No. 9A: Location Map and Photograph, 44 King Street West
Attachment No. 9B: Reasons for Designation, 44 King Street West
Attachment No. 10A: Location Map and Photograph, 214 King Street West
Attachment No. 10B: Reasons for Designation, 214 King Street West
Attachment No. 11A: Location Map and Photograph, 833 King Street West
Attachment No. 11B: Reasons for Designation, 833 King Street West
Attachment No. 12A: Location Map and Photograph, 915 King Street West
Attachment No. 12B: Reasons for Designation, 915 King Street West
Attachment No. 13A: Location Map and Photograph, 56 Queen Street East
Attachment No. 13B: Location Map and Photograph, 56 Queen Street East
Attachment No. 14A: Location Map and Photograph, 2 Queen Street West
Attachment No. 14B: Reasons for Designation, 2 Queen Street West
Attachment No. 15A: Location Map and Photograph, 145 Queen's Quay West
Attachment No. 15B: Reasons for Designation, 145 Queen's Quay West
Attachment No. 16A: Location Map and Photograph, 436 Wellington Street West
Attachment No. 16B: Reasons for Designation, 436 Wellington Street West
Attachment No. 17A: Location Map and Photograph, 40 Westmoreland Avenue
Attachment No. 17B: Reasons for Designation, 40 Westmoreland Avenue
Attachment No. 18A: Location Map and Photograph, 76 Wychwood Avenue
Attachment No. 18B: Reasons for Designation, 76 Wychwood Avenue
Attachment No. 19A: Location Map and Photograph, 104 Yonge Street
Attachment No. 19B: Reasons for Designation, 104 Yonge Street
Attachment No. 20A: Location Map and Photograph, 1050-1052 Yonge Street
Attachment No. 20B: Reasons for Designation, 1050-1052 Yonge Street
Attachment No. 21A: Location Map and Photograph, 70 York Street
Attachment No. 21B: Reasons for Designation, 70 York Street