

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

<b>Date:</b>	May 31, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Policy and Research, City Planning Division
<b>Wards:</b>	14, 19, 20, 27, 28, and 30
<b>Reference Number:</b>	

**SUMMARY**

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This report recommends that City Council state its intention to designate the 18 properties listed in Recommendation No. 1 under Part IV of the *Ontario Heritage Act*.

Each of the 18 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**

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**City Planning Division recommends that**

1. City Council state its intention to designate the following 18 properties under Part IV of the *Ontario Heritage Act*:
  - i. 230 Bloor Street West (John Lyle Studio Building) – Ward 27;
  - ii. 56 Blue Jays Way (George Crookshank House) – Ward 20;
  - iii. 646 Broadview Avenue (James Harris House) – Ward 30;
  - iv. 101 College Street (College Street Wing, Toronto General Hospital) – Ward 27;
  - v. 150 College Street (Fitzgerald Building, University of Toronto) – Ward 20;
  - vi. 55 Danforth Avenue (Prince Edward Viaduct Public Lavatory) – Ward 30;

- vii. 508 Eastern Avenue (Simcoe Hotel) – Ward 30;
  - viii. 32 Grenville Street (F. J. Hartz Company Factory Building) – Ward 27;
  - ix. 214 King Street East (W. A. Drummond and Company Dairy Supply Warehouse) – Ward 28;
  - x. 214 King Street East (Adam Brothers Harness Manufacturing Company Building, formerly known as 204 King Street East and 185 Frederick Street) – Ward 28;
  - xi. 363 Sorauren Avenue (Robert Watson Factory Building) – Ward 14;
  - xii. 100 Spadina Road (Spadina Road Apartments) – Ward 20;
  - xiii. 73 St. George Street (Sir Daniel Wilson Residence, University College) – Ward 20;
  - xiv. 150 St. George Street (William Crowther House and South Wing) – Ward 20;
  - xv. 234 St. George Street (Robert Watson House) – Ward 20;
  - xvi. 2 Strachan Avenue (Hockey and Sports Halls of Fame) – Ward 19;
  - xvii. 384 Sunnyside Avenue (Howard Park Methodist Church) – Ward 14;  
and
  - xviii. 297 Victoria Street (O’Keefe House) – Ward 27;
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**

At its meeting of May 11, 2007, the Toronto Preservation Board adopted the recommendations in the staff report dated March 7, 2007 that 20 properties with heritage easement agreements in place or pending be recommended for designation under Part IV of the *Ontario Heritage Act*. The 18 properties listed in Recommendation No. 1 are located within the boundaries of the Toronto and East York Community Council. The remaining two properties identified in the March 7, 2007 report are in Etobicoke and the subject of a separate report to the Etobicoke York Community Council.

Reports recommending that City Council state its intention to designate an additional 23 properties with heritage easement agreements (21 in Toronto and East York, one in Scarborough, and one in Etobicoke) are on the agenda of the Toronto Preservation Board for its meeting of June 4, 2007. It is anticipated that the reports will be considered by the respective Community Councils on June 26, 2007.

## **ISSUE BACKGROUND**

There are approximately 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 40 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 18 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 18B) 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 18 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-18A).

The Reasons for Designation (Attachments Nos. 1B-18B) 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 18 properties listed in Recommendation No. 1, which have heritage easement agreements in place or pending.

## **CONTACT**

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## **SIGNATURE**

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Barbara Leonhardt  
Director, Policy and Research

## **ATTACHMENTS**

Attachment No. 1A: Location Map and Photograph, 230 Bloor Street West  
Attachment No. 1B: Reasons for Designation, 230 Bloor Street West  
Attachment No. 2A: Location Map and Photograph, 56 Blue Jays Way  
Attachment No. 2B: Reasons for Designation, 56 Blue Jays Way  
Attachment No. 3A: Location Map and Photograph, 646 Broadview Avenue  
Attachment No. 3B: Reasons for Designation, 646 Broadview Avenue  
Attachment No. 4A: Location Map and Photograph, 101 College Street  
Attachment No. 4B: Reasons for Designation, 101 College Street  
Attachment No. 5A: Location Map and Photograph, 150 College Street  
Attachment No. 5B: Reasons for Designation, 150 College Street  
Attachment No. 6A: Location Map and Photograph, 55 Danforth Avenue  
Attachment No. 6B: Reasons for Designation, 55 Danforth Avenue  
Attachment No. 7A: Location Map and Photograph, 508 Eastern Avenue  
Attachment No. 7B: Reasons for Designation, 508 Eastern Avenue  
Attachment No. 8A: Location Map and Photograph, 32 Grenville Street

Attachment No. 8B: Reasons for Designation, 32 Grenville Street  
Attachment No.9A: Location Map and Photograph, 214 King Street East (containing  
W. A. Drummond and Company Dairy Supply Warehouse)  
Attachment No. 9B: Reasons for Designation, 214 King Street East (containing  
W. A. Drummond and Company Dairy Supply Warehouse)  
Attachment No. 10A: Location Map and Photograph, 214 King Street East (formerly  
known as 204 King Street East and 185 Frederick Street and containing  
Adam Brothers Harness Manufacturing Company Building)  
Attachment No.10B: Reasons for Designation, 214 King Street East (formerly known  
as 204 King Street East and 185 Frederick Street and containing  
Adam Brothers Harness Manufacturing Company Building)  
Attachment No.11A: Location Map and Photograph, 363 Sorauren Avenue  
Attachment No.11B: Reasons for Designation, 363 Sorauren Avenue  
Attachment No.12A: Location Map and Photograph, 100 Spadina Road  
Attachment No.12B: Reasons for Designation, 100 Spadina Road  
Attachment No.13A: Location Map and Photograph, 73 St. George Street  
Attachment No.13B: Reasons for Designation, 73 St. George Street  
Attachment No.14A: Location Map and Photograph, 150 St. George Street  
Attachment No.14B: Reasons for Designation, 150 St. George Street  
Attachment No.15A: Location Map and Photograph, 234 St. George Street  
Attachment No.15B: Reasons for Designation, 234 St. George Street  
Attachment No. 16A: Location Map and Photograph, 2 Strachan Avenue  
Attachment No. 16B: Reasons for Designation, 2 Strachan Avenue  
Attachment No 17A: Location Map and Photograph, 384 Sunnyside Avenue  
Attachment No. 17B: Reasons for Designation, 384 Sunnyside Avenue  
Attachment No. 18A: Location Map and Photograph, 297 Victoria Street  
Attachment No. 18B: Reasons for Designation, 297 Victoria Street