

Councillor John Parker

Toronto City Council
Don Valley West, Ward 26

Toronto City Hall
100 Queen Street West
2nd Floor, Suite A13
Toronto, Ontario M5H 2N2

Tel: 416-392-0215
Fax: 416-392-7427
Email: councillor_parker@toronto.ca

Chair & Members
Toronto Preservation Board
October 22, 2008

The owners of the apartment buildings at 1325, 1351 and 1365 Bayview Avenue have applied for the demolition of all structures at that address, under the Ontario Heritage Act. City Council stated its intention to designate these properties under Part IV of the Ontario Heritage Act in recognition of their cultural heritage value in October of 2007.

The Toronto Preservation Board (TPB), at its meeting of September 12, 2007 recommended the designation of the properties at 1325, 1351 & 1365 Bayview Avenue in recognition of their cultural heritage value. The recommendations were presented to North York Community Council on October 2, 2007 where the recommendations of the TPB were accepted and adopted. Subsequently, Council stated its intention to designate the three properties under Part IV of the Ontario Heritage Act at its regular meeting on October 22 & 23, 2007.

Although existing policy and practice in Heritage Preservation Services requires a complete application and notice of receipt of that complete application, the Ontario Heritage Act does not explicitly require this and states that City Council issue a decision regarding the application for demolition within 90 days of the receipt of application. The applicant maintains that they received receipt of their application on July 31, 2008, triggering the 90 day time period. Therefore, **City Council must refuse the demolition no later than the first day of its scheduled meeting on October 29, 2008** to ensure the conservation of the buildings.

City Planning staff believe that these properties are worthy of designation and should be saved from demolition. As such the refusal of the application to demolish will ensure that the buildings can be stewarded in the long term for their cultural heritage values.

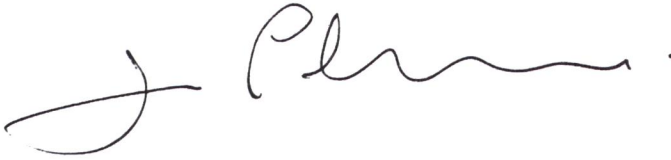
The designation was appealed by the owner's representatives and was heard before the Conservation Review Board (CRB) on August 25-28, 2008. Staff is awaiting the decision of the CRB. Under Section 30 (2) of the Ontario Heritage Act, all issues pertaining to alteration or demolition of the property while under notice of intention to designate should be treated as though the designation process is complete.

A report regarding this matter is being considered by the Toronto Preservation Board at

its regular meeting of Thursday October 23, 2008. The recommendations of the TPB will be forwarded to council for consideration with this motion.

RECOMMENDATIONS:

1. Council refuse the application for the demolition of the properties at 1325, 1351 and 1365 Bayview Avenue.
2. Should the owner appeal the refusal, Council authorize the city solicitor and necessary city staff to attend at the Ontario Municipal Board hearing in opposition of the appeal.
3. Council authorize the solicitor and necessary staff to take such necessary steps to implement the foregoing.

A handwritten signature in black ink, appearing to be "J. Plummer", written in a cursive style.