

**106 Wychwood Park - Ontario Municipal Board Appeal -  
Request for Direction Report**

<b>Date:</b>	April 1, 2009
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward No. 21 – St. Paul’s
<b>Reference Number:</b>	OMB Case Number: PL080323 Demolition Application: 08-189115 DEM 00 DM

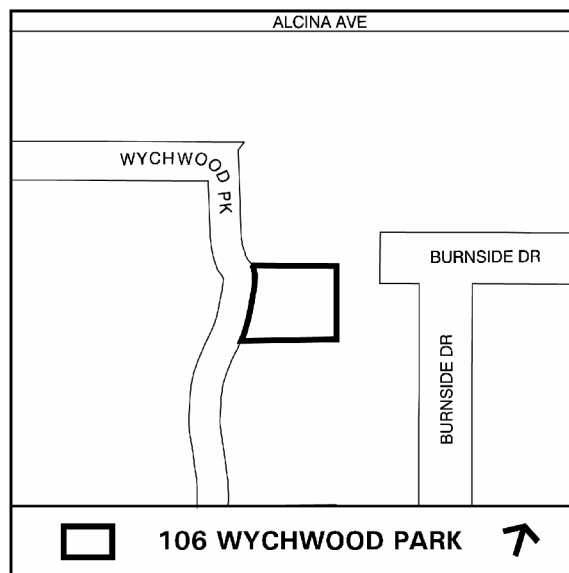
**SUMMARY**

The purpose of this report is to outline conditions of approval that would coincide with the Toronto Preservation Board’s approval of the application to alter the property at 106 Wychwood Park pursuant to the Ontario Heritage Act (OHA).

This report responds to Toronto and East York Community Council’s request for the Chief Planner and Executive Director, City Planning Division to report directly to City Council on the alteration application submitted to the Toronto Preservation Board (TPB) on March 27, 2009.

At its meeting on March 27, 2009, the TPB recommended approval of an application to alter the property at 106 Wychwood Park, pursuant to the OHA. The TPB recommendation was made subject to conditions contained within this report.

This report provides the City Solicitor and necessary staff authorization to implement a settlement position to present to the Ontario Municipal Board at its hearing scheduled for April 22-24 and May 7-8, 2009. This report also recommends refusal of the application to demolish the subject property.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council refuse the application to demolish the property at 106 Wychwood Park pursuant to the Ontario Heritage Act.
2. In the event that City Council determines to approve the March 27, 2009 application pursuant to the Ontario Heritage Act for alterations to the property at 106 Wychwood Park, the City Planning Division recommends that:
  - (1) City Council authorize the City Solicitor to attend at the Ontario Municipal Board (OMB) together with any other necessary staff or retained witnesses to settle the owner's appeal for variances and to ensure the withdrawal of the owner's appeal for consent. This settlement shall be based on the alteration application pursuant to the Heritage Act, dated and received by the City on March 27, 2009, and shall be subject to the OMB imposing conditions to their approval as outlined in Recommendation 2(2) .
  - (2) City Council approve the application for alterations to the property at 106 Wychwood Park pursuant to the Ontario Heritage Act, subject to the following conditions:
    - a. Any required minor variances coming into full force and effect; and
    - b. Prior to the issuance of any building permit for 106 Wychwood Park, including a building permit under the Building Code Act for demolition, excavation and /or shoring of the subject property; the owner shall:
      1. provide a Heritage Impact Statement that provides a rationale supporting the proposed alteration as it relates to the Wychwood Park Heritage Conservation District Plan, to the satisfaction of Manager, Heritage Preservation Services;
      2. provide building permit drawings with elevations that secure materials and detailing to the satisfaction of the Manager, Heritage Preservation Services;
      3. provide a grading and excavation plan to the satisfaction of the Manager, Heritage Preservation Services;
      4. provide a detailed landscape plan with revised arborist report and tree protection plan. Plans shall be accompanied with itemized cost estimates. Information shall be to the satisfaction of the

Supervisor, Tree Protection and Plan Review, Urban Forestry and Manager, Heritage Preservation Services;

5. provide a Letter of Credit to the City in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the above item (4.) to the satisfaction of Supervisor, Tree Protection and Plan Review, Urban Forestry and Manager, Heritage Preservation Services;
  6. obtain a zoning review of the plans dated and received by the City on March 27, 2009, prepared by Phillip H. Carter; and
  7. enter into and register an Agreement pursuant to Section 45(9) of the Planning Act, which secures the conditions outlined in Recommendation 2(2), (3) and (4), to the satisfaction of the City Solicitor.
- (3) Prior to the release of the Letter of Credit, the owner shall complete the work as described in item 2(2) (b)(4.), which includes the implementation of the tree protection plan, to the satisfaction of Supervisor, Tree Protection and Plan Review, Urban Forestry and Manager, Heritage Preservation Services.
- (4) The owner shall construct and thereafter maintain the alterations to the building and the property substantially in accordance with the plans outlined in Recommendation 2(2)(b).
- (5) City Council authorize staff to take all necessary steps to implement the foregoing, including authorizing the execution of the required section 45 Planning Act Agreement.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting on March 27, 2009, Toronto and East York Community Council considered the staff reports from the Director, Community Planning, Toronto and East York District (March 2, 2009), together with the staff report from the Director, Policy and Research (January 29, 2009). The Toronto and East York Community Council submitted both matters to Council without recommendation.

Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning to report directly to City Council on April 6, 2009, on the revised application to be submitted to the Toronto Preservation Board on March 27, 2009, with respect to 106 Wychwood Park.

On March 27, 2009, the applicant filed an application to alter the property at 106 Wychwood Park pursuant to the Ontario Heritage Act, which the Toronto Preservation Board recommended approval at their meeting on March 27, 2009.

## **ISSUE BACKGROUND**

On March 27, 2009, the applicant filed an application to alter the property at 106 Wychwood Park pursuant to the Ontario Heritage Act. This application included architectural plans prepared by Phillip Carter and a survey. Staff have not received a Heritage Impact Statement that would support the revised one-house proposal. Without the proper supporting documentation, staff cannot provide an analysis of the plans at this time.

## **COMMENTS**

### **Conditions of Approval**

Recommendation number 2 in this report outlines the conditions of approval that staff recommends to City Council. These conditions set out the requirements necessary for staff to undergo a thorough review process of the proposed building and the proposed landscape treatment.

It is staff's opinion that securing the conditions under an Agreement pursuant to Section 45(9) of the Planning Act is appropriate. Should the conditions in recommendation number 2 be imposed, they become applicable law, which if the owner does not meet, can be the subject of prosecution and puts the property into non-conformity with the Zoning By-law. Legal Services and City Planning staff have consulted and agree that in the event Council determines to approve the March 27, 2009 application for alteration pursuant to the Ontario Heritage Act, the conditions recommended herein are appropriate.

## **CONTACT**

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## **SIGNATURE**

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Gary Wright, Chief Planner and Executive Director  
City Planning Division

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