



**STAFF REPORT
ACTION REQUIRED**

Demolition of a Designated Heritage Property – 10 St. Mary Street

Date:	May 27, 2015
To:	Toronto Preservation Board Toronto-East York Community Council
From:	Director, Urban Design, City Planning
Ward:	27 – Toronto Centre-Rosedale
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15079

SUMMARY

This report recommends that City Council refuse the proposed demolition of the property at 10 St. Mary Street which is designated under Part IV of the Ontario Heritage Act by By-law No. 353-2015, enacted by City Council on May 6, 7, & 8, 2015.

If Council fails to make a decision on the application within 90 days of the receipt of the application, the application is deemed to be permitted under Section 34 of the Ontario Heritage Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the issuance of a demolition permit for the heritage property at 10 St. Mary Street, in accordance with Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council’s decision to refuse the issuance of a demolition permit under Section 34 of the Ontario Heritage Act for the heritage property at 10 St. Mary Street, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Municipal Board hearing in opposition to the appeal.

DECISION HISTORY

The property at 10 St. Mary Street is designated by City Council under By-Law 353-2015, enacted by City Council on May 6, 7, & 8, 2015.

<http://www.toronto.ca/legdocs/bylaws/2015/law0353.pdf>

A complete application for demolition has been made and therefore the legislative timeframe of 90 days is in effect. A Notice of Receipt was served on the applicant on May 27, 2015, and Council must therefore issue a decision by August 24, 2015.

ISSUE BACKGROUND

Policy Framework

Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>

The following Standards for Preservation, Rehabilitation and Restoration can be applied to the demolition application for 10 St. Mary Street:

- Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements.

Provincial Policy Statement and Planning Act

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy

Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Ontario Heritage Act

Section 34 (1) of the Ontario Heritage Act (OHA) states that no owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal. Section 34.1 (1) indicates that if Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board (OMB).

Official Plan

Policy 3.1.5.2 of the Official Plan directs that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved".

While the City's amended Official Plan policies (OPA199) are in force, the property at 10 St. Mary Street is currently exempt from the new policies as it is under site specific appeal and subject to further consideration by the Ontario Municipal Board.

Heritage Property Description

Located at the north-west corner of Yonge and St. Mary Streets, the property at 10 St. Mary Street is designated under all three categories of design, associative and contextual value. The eight-storey building is an excellent example of a mid-century International Style structure. It is historically associated with the architectural partnership of Mathers and Haldenby, whose work contributed significantly to educational, government and commercial institutions in Toronto, across Canada and internationally. The subject property makes an important contribution to the character of the area and is linked to its surroundings as representative of mid-twentieth century Yonge Street responding to the changing lifestyle and business needs as well as the burgeoning post-war economic expansion, the increased use of automobiles and the separation of work and home.

PROPOSAL

The property at 10 St. Mary Street is the subject of a zoning by-law amendment application which involves the full demolition of the existing heritage building and construction of a 42-storey mixed use condominium building with retail at grade.

COMMENTS

Prior to submission of the zoning by-law amendment application, the property at 10 St. Mary Street was under evaluation by HPS staff for designation. Early pre-application meetings with the applicant included discussion of potential designation under the

Ontario Heritage Act and possible integration of the building into the new development. The Heritage Impact Assessment submitted with the development application prepared by Goldsmith Borgal Company Architects dated July 29, 2014, does not recognize City Council's (then) Intention to Designate the subject property and supports the proposal to demolish it. The applicant filed an appeal with the Conservation Review Board on City Council's Intention to Designate the property which has since been withdrawn. An appeal to the OMB has been filed by the applicant on the zoning by-law amendment application.

A building condition assessment prepared by S2S Environmental Inc. dated February 11, 2014 was submitted with the demolition application. The condition assessment presented the conclusion that the subject property appeared to be in fair to good condition.

The proposed demolition of a designated building is not in accordance with the intent of the Ontario Heritage Act, PPS, or Standards and Guidelines for the Conservation of Historic Places in Canada, which is to protect and conserve heritage resources.

CONCLUSION

The designated heritage property at 10 St. Mary Street makes an important contribution to the character of Yonge Street and is in good condition. Staff is recommending that Council refuse the proposed demolition application as outlined in this report.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 – Location Map: 10 St. Mary Street
Attachment 2 – Photograph: 10 St. Mary Street
Attachment 3 – Historic Photograph: 10 St. Mary Street
Attachment 4 – Proposal Rendering: 10 St. Mary Street