



January 19, 2021

Planning and Housing Committee
100 Queen Street West
Toronto ON M5H 2N2

Dear Chair and Committee Members,

RE: Stopping the Demolition to Protect Ontario's Heritage at the Dominion Foundry Buildings

Yesterday, the Province of Ontario deployed a demolition crew to begin razing the four heritage buildings at the provincially owned Dominion Foundry Complex at 153 to 185 Eastern Avenue, also known as Blocks 17 and 26. This site contains the largest concentration of heritage buildings to be preserved within the 80 acre West Don Lands precinct. At the time of writing, there have been no development plans nor community consultation about the future of the Foundry site.

The Foundry site was subject to [one of three Minister's Zoning Orders](#) (MZOs) last year. The MZO [issued on Blocks 17 and 26](#) permits up to three tall buildings, with no specified unit count. The MZO is entirely silent on matters of heritage and affordable housing, as such there is no evidence from the Government of Ontario that they are committed to these matters.

The four buildings on the Foundry site were constructed between 1917 and 1929, and were owned by the Canadian Northern Railway (later, the Canadian National Railways). They were used by the Dominion Wheel and Foundries Company to produce railway equipment. As noted when the properties were added to the City's heritage register in 2004, the four buildings were deemed "historically and architecturally significant as a good example of an industrial enclave in the area adjoining the lower Don River."

The province has provided no documented evidence as to why these buildings are required to be demolished to accommodate the development parameters in its MZO. Since before the MZO was issued, there has been no public engagement with the community about the future of the Foundry site.

As the site is provincially owned, the advice from City staff is that the province is not required to obtain a building permit from the City to proceed with demolition. At the request of the Province, and as required by the Municipal Code, Transportation Services issued a right of way permit. I have requested to the Manager, Transportation Services, that the right of way permit be revoked.

By its own heritage policies outlined in *Standards and Guidelines for Conservation of Provincial Heritage Properties (2010)*, the Province of Ontario is required to “consider removal or demolition as a last resort, subject to heritage impact assessment and public engagement. Use best efforts to mitigate loss of cultural heritage value.”

Per this document, the Government of Ontario must carry out a Strategic Conservation Plan and Heritage Impact Assessment with public engagement before undertaking any removal or demolition of the provincial heritage buildings. The Chief Planner and Executive Director requested confirmation that this work was undertaken. The Province, through the Ministry of Municipal Affairs and Housing, responded late last night that their requirements under the *Standards and Guidelines for Conservation of Provincial Heritage Properties (2010)* have been fulfilled through the creation of a Cultural Heritage Evaluation, Archaeological Assessment and Heritage Impact Assessment, but these documents were not shared with City Planning. The Ministry also claimed the demolition of these buildings was necessary due to soil and groundwater contamination impacts, but provided no report detailing these concerns either. Furthermore, there was absolutely zero mention of public engagement as required by the Provincial heritage policies.

There are many other issues that require more information as well, including the potential presence of an endangered bat species that the Minister of the Environment, Conservation and Parks noted in a permit they issued to Infrastructure Ontario on December 30, 2020 that was discovered by a local resident. Residents have also raised concern about potential contaminants on site, as well as trees that may be lost without any apparent accounting or replacement plan by the Province.

The action the Province is taking is more than just the potential loss of four buildings in the West Don Lands. The MZOs that were sprung on the City last year--part of more than an unprecedented three dozen MZOs that were issued by the province in 2020--are part of a pattern. That pattern shows a disinterest by the Province in engaging with local planning, local decision-makers, and critically, local residents. The MZOs are not just threatening heritage buildings, they are also threatening the provincially significant wetlands in the GTA, in many cases without any consultation with local residents and stakeholders.

It is prudent for the Government of Ontario to carefully consider their response to Toronto’s Chief Planner and to provide documentation of their work including all reports, studies and evidence of public engagement.

At minimum, any plans to demolish the Foundry Buildings must be deferred until the City can properly evaluate the work the Government of Ontario claims has been done. Any further disregard of their own heritage policies represent an irreversible mistake and a willful attack on the heritage and cultural identity of our province and city.

It is also prudent that the Province be transparent about what its future plans are for the site, including how it came to the numbers contained in the MZO for Blocks 17 and 26. There are too many unanswered questions, and a full accounting is necessary to ensure that the Province is working in good faith with the City and the West Don Lands and Corktown community.

RECOMMENDATIONS:

It is recommended that:

- 1) City Council request the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Heritage, Sport, Tourism and Culture Industries and the Minister of Infrastructure to immediately halt any demolition or construction work at 153-185 Eastern Avenue for a minimum of 30 days and to provide the following for the City to comment on and review:
 - a) Cultural Heritage Evaluation;
 - b) Archaeological Assessment;
 - c) Heritage Impact Assessment;
 - d) Strategic Conservation Plan;
 - e) Environmental Site Assessment; and
 - f) Any other studies done with relation to 153-185 Eastern Avenue.
- 2) City Council request the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Heritage, Sport, Tourism and Culture Industries and the Minister of Infrastructure to immediately engage and consult with residents about the future of 153-185 Eastern Avenue.
- 3) The Chief Planner and Executive Director, City Planning, request the Province to provide to him the studies referred to in the letter of January 19, 2021 to him from the Assistant Deputy Minister, Housing Division, Ministry of Municipal Affairs and Housing, for the purpose of review by City staff and third party review as may be necessary, and confirmation from the Province that demolition will cease until such reviews have been completed, failing the receipt of such studies and confirmation from the Province, City Council direct the City Solicitor and appropriate City Staff to seek an immediate injunction on any work to demolish the buildings located at 153-185 Eastern Avenue until such time that a Strategic Conservation Plan and required public engagement can be undertaken, and until any other obligations that the Province may be required to fulfill by law or contract have been fulfilled.
- 4) Planning and Housing Committee request the Chief Planner and Executive Director, City Planning, the Senior Manager, Heritage Preservation Services, the General Manager, Transportation Services and the City Solicitor to report to the February 2, 2021 meeting of City Council with the information and recommendations for the following:

- a) Historic agreements and restrictive covenants between the Province, City, Toronto Region Conservation Authority and any others on properties at 153-185 Eastern Avenue;
 - b) Requirements under the Standards and Guidelines for Conservation of Provincial Heritage Properties (2010) or other relevant municipal, provincial or federal policies that would discourage or prevent the demolition of the listed heritage properties at 153-185 Eastern Avenue;
 - c) Revoking the right of way permit that was issued by Transportation Services to facilitate any future demolition on the site;
 - d) Site conditions, including potential asbestos and soil contamination, species-at-risk and trees on-site; and
 - e) Any actions the City could take to halt or delay the demolition of the buildings at 153-185 Eastern Avenue.
- 5) The Chief Planner and Executive Director, City Planning, request the Province to provide to him information as to who the identified development proponent is for 153-185 Eastern Ave; the number of affordable and market housing units being proposed; and any draft concept/development plans that were used to help prepare the Minister's Zoning Order (O. Reg 595/20) that was issued on October 22, 2020. In addition, pre-consultation meetings between the development proponent and the City are to commence immediately, and if necessary, additional meetings with the local Councillor and/or the local community.
- 6) City Council immediately send a copy of this motion and letter to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Heritage, Sport, Tourism and Culture Industries and the Minister of Infrastructure.

Respectfully submitted,

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Ward 13, Toronto Centre