

Clause embodied in Report No. 5 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 21, 22 and 23, 2003.

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**Designation under Part IV
of the Ontario Heritage Act - 183 Dovercourt Road
(Ideal Bread Company Factory)
(Trinity-Spadina, Ward 19)**

(City Council on May 21, 22 and 23, 2003, adopted this Clause, without amendment.)

The Toronto East York Community Council recommends the adoption of the report (March 11, 2003) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

To forward the Conservation Review Board report which, recommends that the property at 183 Dovercourt Road (Ideal Bread Company) be designated under Part IV of the Ontario Heritage Act and to recommend that Council pass the necessary by-law to designate the property.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council pass the by-law designating the property at 183 Dovercourt Road (Ideal Bread Company Factory) under Part IV of the *Ontario Heritage Act*; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

On February 28, 2003, the Conservation Review Board submitted its report to the City of Toronto on the proposed designation of the property at 183 Dovercourt Road (Ideal Bread Company Factory) under Part IV of the *Ontario Heritage Act* (Attachment No. 3). In the report, the Board recommends that City Council designate the property. The Board also raises some concerns about the process followed by the City.

Comments:

In February 2002, Urban Development Services advised Heritage Preservation Services of a potential development proposal for the property at 183 Dovercourt Road. Because the property was not included on the City of Toronto Inventory of Heritage Properties, Culture Division staff examined the property and determined that it merited inclusion on the Inventory. The Toronto Preservation Board at its meeting of March 21, 2002 endorsed a staff report recommending that City Council include the property at 183 Dovercourt Road on the City of Toronto Inventory of Heritage Properties.

The Toronto East York Community Council considered the staff recommendations at its meeting of May 7, 2002. The Community Council also had before it a letter from Michael Vaughan, representing 4117771 Ontario Limited, requesting that the property be designated under Part IV of the *Ontario Heritage Act* and that the City enter into a Heritage Easement Agreement. Toronto East York Community Council recommended that City Council state its intention to designate the property. This recommendation was endorsed by City Council at its meeting of May 21, 22 and 23, 2002. The Notice of Intention to Designate was served on the property owner and advertised in the newspaper on June 14, 2002.

On June 6, 2002, prior to the serving of the Notice of Intention to Designate, an area resident objected to the proposed designation. While the Toronto East York Community Council meeting on September 17, 2002, recommended that the objection not be referred to the Conservation Review Board, City Council elected at its meeting held on October 1, 2, and 3, 2002, to refer the matter to the Review Board.

The Conservation Review Board convened a hearing on January 31, 2003, at which the City, the applicant and the objector gave evidence. The Board found “that there was overall agreement among those parties present that the former Ideal Bread Company Factory building is worthy of recognition as a structure of architectural significance”. However, while reminding all parties that such matters are beyond its jurisdiction, the Board was persuaded that “the objectors perceive unfairness in the process by which sites are proposed for heritage designation in the City”.

The objector objected to the designation, not to the preservation of the property, and acknowledged that the root of his objection was the reduction in parking spaces required under the zoning by-law that would result from the designation of the property. For this reason, he offered that the inclusion of the property on the Inventory of Heritage Properties would give more protection than the designation of the property under Part IV of the *Ontario Heritage Act*. This is not correct. Inclusion on the Inventory of Heritage Properties is an administrative process that allows Culture Division staff to monitor any permits or applications affecting a property, but places no legal restrictions on a property. Designation under the *Ontario Heritage Act* offers some legal protection from demolition and inappropriate alterations.

Further, staff advise that it is entirely appropriate and necessary for the City to provide owners of heritage properties with incentives for the preservation of their properties. A reduction in parking requirements for designated heritage properties is such an incentive and is based on recognition of the particular challenges that heritage properties can present in meeting current parking standards.

The Conservation Review Board also recommends that the Reasons for Designation be amended to designate the property for historical and contextual reasons, in addition to the architectural reasons in the Reasons for Designation. The Reasons for Designation document the history and context of the site. In the opinion of staff, the history of the site, while interesting, is not of sufficient significance to merit designation under historical grounds. Properties are designated for architectural and/or historical reasons, not contextual ones.

Culture Division staff submit that the property at 183 Dovercourt Road merits designation under the *Ontario Heritage Act* as a property of architectural significance, and that the objection to the designation was related to planning issues rather than heritage ones.

Conclusions:

That City Council pass the designating by-law for the property at 183 Dovercourt Road (Ideal Bread Company Factory).

Contact:

Rita Davies, Executive Director of Culture
Tel: 416-397-5323; Fax: 416-395-0278; E-mail: rdavies@toronto.ca

(Copies of attachments, referred to in the foregoing report, were distributed to all Members of Council with the May 6, 2003 agenda of the Toronto East York Community Council, and a copy is also on file in the office of the City Clerk.)

The Toronto East York Community Council also submits the communication (March 21, 2003) from the City Clerk, Toronto Preservation Board:

Recommendation:

The Toronto Preservation Board recommended to the Toronto East York Community Council, and Council, the adoption of the report (March 11, 2003) from the Commissioner of Economic Development, Culture and Tourism; and commended staff for the clarity of the explanation of the findings of the Conservation Review Board outlined in the report.

Background:

The Toronto Preservation Board at its meeting held on March 20, 2003, had before it a report (March 11, 2003) from the Commissioner of Economic Development, Culture and Tourism forwarding the Conservation Review Board report regarding the designation of the property at 183 Dovercourt Road; and recommending that:

- (1) City Council pass the by-law designating the property at 183 Dovercourt Road (Ideal Bread Company Factory) under Part IV of the Ontario Heritage Act; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Toronto Preservation Board reports having received the following communications in opposition to the designation of the property at 183 Dovercourt Road under the Ontario Heritage Act, copies of which are on file in the Office of the City Clerk:

- (a) (March 11, 2003) from Mr. Jason Pearson, Committee of Concerned Citizens, requesting to be kept informed of all matters related to 183 Dovercourt Road and the proposed Heritage Designation thereof;
- (b) (March 13, 2003) from Mr. Jason Pearson, Committee of Concerned Citizens, (addressed to Ms. Kathryn Anderson, Preservation Officer) regarding 183 Dovercourt Road (former Ideal Bread Company Factory) Heritage Designation; and
- (c) (March 13, 2003) from Mr. Jason Pearson, Committee of Concerned Citizens, (addressed to Ms. Kathryn Anderson, Preservation Officer) regarding 183 Dovercourt Road (former Ideal Bread Company Factory) Heritage Designation.

The following persons appeared before the Toronto Preservation Board in connection with the foregoing matter:

- Mr. Paul Dodds, Committee of Concerned Citizens; in opposition to the designation of the property at 183 Dovercourt Road under the Ontario Heritage Act; and filed a copy of his submission and approximately 60 letters of opposition from residents in the area;
- Mr. Jason Pearson, Committee of Concerned Citizens, in opposition to the designation of the property at 183 Dovercourt Road under the Ontario Heritage Act; and filed a copy of his submission; and
- Mr. Michael Vaughan, Solicitor, on behalf of the owner, in support of the recommendations of the Commissioner of Economic Development, Culture and Tourism.

The Toronto East York Community Council reports, having also had before it during consideration of the foregoing matter, the following communications, and a copy is on file in the office of the City Clerk:

- (May 5, 2003) from Jason Pearson, Committee of Concerned Citizens;
- Petition signed by 71 persons and submitted by Paul Dodds in opposition of the proposal; and

- (May 4, 2003) from Peter Stadnyk.

The following persons appeared before the Toronto East York Community Council:

- Margarita Isakov, Committee of Concerned Citizens;
- Marg Moffatt;
- Jason Pearson, Committee of Concerned Citizens;
- Michael Vaughan; and
- Yuria Shtern.

(City Council at its meeting on May 21, 22 and 23, 2003, had before it, during consideration of the foregoing Clause, the following communications:

- (a) (May 14, 2003) from the Committee of Concerned Citizens;*
- (b) (May 15, 2003) from the Committee of Concerned Citizens;*
- (c) (May 15, 2003) petition signed by approximately 552 Concerned Community Members and Concerned Friends, submitted by M. Moffat, a copy of which is on file in the office of the City Clerk;*
- (d) (May 20, 2003) from John B. J. Legge, Legge & Legge, Barristers and Solicitors;*
- (e) (May 22, 2003) from John B. J. Legge, Legge & Legge, Barristers and Solicitors;*
- (f) (May 23, 2003) from David N. Delagran, Beard Winter LLP, Barristers and Solicitors; and*
- (g) (May 23, 2003) from the Committee of Concerned Citizens.)*

(Councillor Dominelli, at the meeting of Council held on May 21, 22 and 23, 2003, declared an interest in the foregoing Clause, in that he owns property in the immediate vicinity.)