



**STAFF REPORT
ACTION REQUIRED**

106 King Street East – Authority to Amend Section 37 Agreement and Heritage Easement Agreement

Date:	December 10, 2008
To:	Toronto and East York Community Council
From:	Director, Policy and Research, City Planning Division
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	

SUMMARY

This report recommends that City Council authorize the amendment of a Section 37 Agreement and a Heritage Easement Agreement for the commencement of restoration work on the Parish House and Diocesan Centre at 106 King Street East. The agreements required that the owners commence work in 2008. The owners have approached City Planning Staff and have requested an extension.

RECOMMENDATIONS

The City Planning Division recommends that

1. City Council authorize the amendment of the Heritage Easement Agreement and the Section 37 Agreement for the subject property, both dated September 22, 2003, to extend the date for commencement of the work on the Parish House and Diocesan Centre from December 30, 2008 to December 31, 2009.

Financial Impact

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

ISSUE BACKGROUND

The property at 106 King Street East (Attachment No. 1) consists of a building known as the Parish House and Diocesan Centre of St. James Cathedral (Attachment No. 2). Toronto City Council added the property to the City’s Inventory of Heritage Properties on June 20, 1973 and designated it under Part IV of the Ontario Heritage Act by By-Law 588-77 on September 26, 1977.

At its meeting of June 24, 25 and 26, 2003, Toronto City Council had before it a report entitled "Authority to enter into Heritage Easement Agreement and Alterations to a Designated Heritage Property -106 King Street East - St. James' Parish House and Diocesan Centre." Council approved the staff recommendations that allowed alterations to the heritage building provided the owner enter into a Heritage Easement Agreement with the City.

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030624/to6rpt/cl005.pdf>

The City and the owners of 106 King Street East entered into a Section 37 Agreement (dated September 22, 2003 as registered as Instrument No. CA804538) and a Heritage Easement Agreement (dated September 22, 2003 and registered as Instrument No. CA804537). The agreements call for restoration work on the Parish House to commence within two years of the "Final Confirmation Date" as defined in the Section 37 Agreement. The Final Confirmation date was September 13, 2004.

Pursuant to Section 2.5 of the Heritage Easement Agreement, the owners will be deemed to have commenced the work if they have made applications for the requisite building permits and other required approvals and have paid the requisite fees necessary to commence the work. Under the agreement, St. James Cathedral must use diligent efforts to complete such work within three years from the date that a building permit and such other approvals as may be required by the City for the completion of the work has been issued by the City.

In 2006, the owners of 106 King Street East contacted City Planning Staff and requested a one year extension of the commencement of work date as pending litigation had prevented the church from beginning work on the property. City Staff had no objection to the extension. Council approved an extension to September 13, 2007 at their meeting on September 25, 26 and 27, 2006.

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/te8rpt/cl033.pdf>

In 2007, the owners of 106 King Street East again contacted City Planning Staff and requested an additional one year extension. City Staff had no objection to the extension. Council approved an extension to December 30, 2008 at their meeting on January 29, and 30, 2008.

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-9535.pdf>

COMMENTS

As of December 9, 2008 restoration work on 106 King Street East had not begun. The owners of the property have again contacted City Planning Staff and have requested that the agreements be amended to extend the deadline to commence restoration work. The owners have advised staff that they have been unable to begin work as they have only recently completed their fundraising drive to raise the nearly \$11,000,000 in required funds.

City Staff have no objection to the request for an extension and recommend that the agreements on file be amended so that the extension can be granted. The deadline to commence restoration work should be extended to December 31, 2009. In accordance with the agreement, every effort should be made to complete the restoration work three years from the start of its commencement.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1: Location Map
Attachment No. 2: Photograph