



**STAFF REPORT  
ACTION REQUIRED**

**Authority for a Heritage Easement Agreement – 252-264  
Adelaide Street East**

<b>Date:</b>	September 24, 2013
<b>To:</b>	Toronto Preservation Board Toronto and East York Community Council
<b>From:</b>	Acting Director, Urban Design, City Planning Division
<b>Wards:</b>	Toronto Centre-Rosedale -Ward 28
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\HPS\TEYCC\October 17 2013\teHPS40

**SUMMARY**

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This report recommends that City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 252-264 Adelaide Street East.

**RECOMMENDATIONS**

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**The City Planning Division recommends that:**

1. City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 252-264 Adelaide Street East using substantially the form of easement agreement prepared by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division; and
2. City Council authorize the City Solicitor to introduce any necessary bill in Council authorizing the entering into of the Heritage Easement Agreement for the property at 252-264 Adelaide Street East.

## **Financial Impact**

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

## **ISSUE BACKGROUND**

An application was submitted to the Committee of Adjustment on November 13, 2003 seeking relief from the zoning bylaw to permit an 18-storey residential condominium on the rear portion of the site known as 252-264 Adelaide Street East. The approvals were conditional upon the retention and rehabilitation of the designated heritage buildings on the front portion of the property, as well as the creation of a publicly accessible courtyard between the heritage buildings and the proposed tower.

The Committee approved the application on March 3, 2004, subject to several conditions recommended by City Planning in a staff report dated February 20, 2004. One of the conditions required the owner to enter into a Heritage Easement Agreement with the City prior to the issuance of any building permit on the subject property. Further, this Heritage Easement Agreement was to identify a deadline for the owner to rectify all deficiencies identified in the Condition Assessment. After receiving conditional approval, a site plan application for this development was not submitted and no building permits were issued. Therefore, a Heritage Easement Agreement was not registered for the property.

In 2007, a Consent application was approved such that the development site to the rear of the subject property was severed from the heritage buildings at the front. The rear portion of the lot was sold to a new developer, Alterra, in 2008. They subsequently sought approval from the Committee of Adjustment to modify the built form parameters of the proposed development for their site, now known as 105 George Street. This minor variance application for a 21-storey residential condominium tower was approved by the Committee on December 15, 2010, again subject to conditions recommended by City Planning staff in a report dated December 8, 2010.

One of the conditions reiterated the requirement for the owner of the abutting heritage buildings at 252-264 Adelaide Street East to enter into a Heritage Easement Agreement with the City prior to the issuance of any above-grade building permits. A Site Plan approval application was also submitted for the subject property and a Notice of Approval Conditions for the Site Plan application was issued on May 29, 2012. This approval also included a condition that the adjacent property owner enter into a Heritage Easement Agreement with the City prior to the issuance of building permits. Notwithstanding this requirement, a conditional building permit was issued for the development site shortly thereafter. One of the conditions of permit release was that the owner fulfill all of the various conditions imposed through the related approvals processes.

City Planning is now in the position to recommend that the City enter into the required Heritage Easement Agreement with the property owner of 252-254 Adelaide Street East, and needs authority from Council to do so.

**CONTACT**

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**SIGNATURE**

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