



**STAFF REPORT  
ACTION REQUIRED**

**Demolition of a Designated Heritage Property – 36  
Berryman Street**

<b>Date:</b>	March 4, 2015
<b>To:</b>	Toronto Preservation Board Toronto-East York Community Council
<b>From:</b>	Director, Urban Design, City Planning
<b>Wards:</b>	27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\TEYCC\TE15039

**SUMMARY**

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This report recommends that City Council refuse the proposed demolition of the designated heritage property at 36 Berryman Street, which is located in the Yorkville-Hazelton Area Heritage Conservation District (YHAHCD) designated under Part V of the Ontario Heritage Act. Staff are recommending refusal of the application because it does not meet the criteria for demolition within the YHAHCD.

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 42 of the Ontario Heritage Act.

**RECOMMENDATIONS**

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**The City Planning Division recommends that:**

1. City Council refuse the issuance of a demolition permit for the heritage property at 36 Berryman Street in the Yorkville-Hazelton Area Heritage Conservation District, in accordance with Section 42 of the Ontario Heritage Act.
2. If the owner appeals City Council’s decision to refuse the issuance of a demolition permit under Section 42 of the Ontario Heritage Act for the heritage property at 36 Berryman 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 36 Berryman Street is located in the Yorkville-Hazelton Area Heritage Conservation District, designated by City Council under By-Law 622-2002 on August 1, 2002.

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 February 25, 2015, and Council must therefore issue a decision by May 26, 2015.

As part of the demolition application for 36 Berryman Street the applicant has submitted plans for a replacement structure prepared by Julian Jacobs Architects and dated September 16, 2014.

## **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 36 Berryman 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 42 (1) of the Ontario Heritage Act (OHA) states that no owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

Section 42 (6) 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".

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2013 enacting these policies has been appealed to the Ontario Municipal Board. While the amendments are not yet in force, HPS has also considered the proposal within the context of these amended policies.

### **Yorkville-Hazelton Heritage Conservation District Plan**

The Yorkville-Hazelton Area Heritage Conservation District Plan includes general conservation principles for the District which includes Section 1.4.8 regarding demolition: "Discourage demolition of buildings that contribute to the heritage character of the District".

Section 2.3 of the YHACD Plan indicates that demolition within the District is discouraged but that a demolition application for a heritage property will be considered if the property meets certain criteria for demolition: it must be in poor condition, must have minimal heritage value, must not be essential to the heritage character of the area, and that any replacement building complies with the guidelines for the District.

Section 3.5 of the YHACD Plan reads, "When a Heritage Permit application does not comply with the District guidelines or when it involves the demolition of a structure in the Heritage Conservation District, City Council will decide on the application. In

making its decision, Council will be provided with the advice of City staff and information provided by the applicant.

Section 2.4 of the YHAHCD speaks to guidelines for new buildings within the District. They must be compatible in character, form, massing and location on the site, and distinguishable but in harmony with neighbouring buildings. They should have regard for neighbouring buildings in the design of entrances, foundations, windows, exterior walls and roofs. The relationship at the ground floor to grade, including the entry, porch and portico, should be consistent with the building on either side and the street. Parking in the front yard should be avoided.

## **PROPOSAL**

### **Building Condition Assessment**

The application to demolish 36 Berryman Street included a Building Condition Assessment dated February 3, 2015 and prepared by Julian Jacobs Architects Ltd, including a Structural Condition Assessment dated September 2, 2014 prepared by Halsall Associates. The building condition assessment contained the following key findings:

- There is a large crack in an interior masonry pier in the basement
- The ground floor decking is consistently popping up at the perimeter
- There is evidence of moisture in the walls and roof
- The structural framing sizes are inadequate
- The garage is in very poor condition

The report concludes that it would be more cost effective to demolish the existing building and rebuild because of the above issues.

## **COMMENTS**

The proposed demolition of a building that contributes to the heritage character of the YHAHCD is not in accordance with the intent of the heritage legislation in the YHAHCD Plan, 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.

The building condition assessment concludes that the existing building should be demolished because of cost, not because it is beyond repair. Staff feel that many of the existing condition issues are a result of deferred maintenance, including the need for a new roof, and that the building should be rehabilitated. However, staff do not have a concern with the removal of the garage at the rear of the property.

The YHACHD Plan directs that in order for a building within the District to be demolished, it must not be essential to the heritage character of the area. The existing building is a rare surviving example of the modest frame buildings that once characterized Berryman Street, Bishop Street and Scollard Street within the YHAHCD (Attachment 3), and should be preserved.

The fourth criteria for demolition of a building within the YHAHCD is that the replacement building must comply with the Guidelines and Zoning By-Law for the area. The predominant building form on Berryman Street is Victorian with gabled roofs, while the proposed replacement structure has a mansard roof. Section 2.4.7 of the YHAHCD Plan directs that "roof pitch and type should match or be compatible to the style and form of adjacent roofs".

The replacement structure includes an integral garage on the front elevation with a driveway off of Berryman Street. Section 2.4 of the plan directs that front yard parking is to be avoided. There is an existing garage at the rear of the property at 36 Berryman Street, and staff feel that this relationship should be maintained.

The YHAHCD guidelines direct that porches should express the style of the new building and should be compatible in form and detail with the similar elements on the street. The proposed replacement structure does not have a raised stoop or porch or have the same relationship of entry to grade as many of the existing properties on Berryman Street, and therefore does not meet the guidelines for new buildings.

Staff feel that the proposed replacement structure does not meet the guidelines for new construction within the YHAHCD as outlined in Section 2.4 of the YHAHCD Plan.

## **CONCLUSION**

The existing property at 36 Berryman Street is essential to the character of the YHAHCD. Staff feel that while the building needs maintenance, it is not beyond repair and should not be demolished. Staff is recommending that Council refuse the proposed demolition application as outlined in this report.

## **CONTACT**

Sherry Pedersen, Preservation Co-ordinator  
Heritage Preservation Services  
Tel: 416-338-1089; Fax: 416-392-1973  
E-mail: [speders@toronto.ca](mailto:speders@toronto.ca)

## **SIGNATURE**

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Harold Madi  
Director, Urban Design  
City Planning Division

## **ATTACHMENTS**

Attachment 1 – Location Map: 36 Berryman Street

Attachment 2 – Photograph: Archival Photo of 36 Berryman Street

Attachment 3 – Photograph: Historic Berryman Street

Attachment 4 – Proposed Site Plan: 36 Berryman Street

Attachment 5 – Proposed Elevations: 36 Berryman Street

Attachment 6 – Proposed Elevations: 36 Berryman Street