

**City Council****Motion without Notice**

MM44.115	ACTION			Ward:20
----------	--------	--	--	---------

**Kensington Market Neighbourhood - Designation of Study Area By-Law - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that City Council adopt the following recommendations in the report (July 23, 2018) from the Chief Planner and Executive Director, City Planning:

1. Pursuant to Section 40.1 of the Ontario Heritage Act, City Council enact the Kensington Market Neighbourhood Heritage Conservation District Study Area By-law, substantially in accordance with the draft by-law attached as Attachment 2 to the report (July 23, 2018) from the Chief Planner and Executive Director, City Planning Division, for the Kensington Market Neighbourhood Heritage Conservation District Study Area as shown in Schedule A of the attached draft by-law, in order to prohibit the demolition or removal of any buildings or structures on the commercial and mixed use properties listed in Schedule B for a period of one year.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft By-law as may be required.

**Summary**

The Chief Planner and Executive Director, City Planning, is bringing forward a report (June 23, 2018) recommending that a Heritage Conservation District Study Area Designation By-law under the Ontario Heritage Act be enacted for a period of one year to prohibit the demolition or removal of any buildings or structures on commercial and mixed use properties within the Kensington Market Neighbourhood Heritage Conservation District Study Area.

Commercial and mixed use properties located in the Kensington Market Neighbourhood HCD Study Area are at risk of demolition as the City cannot deny or withhold a demolition permit where the applicant has complied with all applicable law. During the election period, staff have no authority to add properties with potential heritage value to the City's Heritage Register. Under section 40.1 of the OHA, municipalities have the option to enact a HCD Study Area By-law to maintain the stability and integrity of the area while the study is being undertaken. Study

area by-laws are restricted to a one year period.

At present, staff are conducting additional policy research and analysis of the study area and heritage planning best practices from around the globe in order to inform a "made in Kensington" district approach. The study area's complexity, including its identified tangible and intangible cultural heritage values and heritage attributes requires careful consideration. For example, the significance of lot widths to the overall heritage character of the study area needs an innovative policy response to conserve this heritage attribute. Staff will continue to work on the HCD Plan, including community consultation in Q4 2018, and will also consult with a community advisory group. It is anticipated that the HCD Plan will take approximately one year to develop. Upon completion, the HCD designation and HCD Plan for the Kensington Market Neighbourhood will be presented to the Toronto Preservation Board, Toronto East York Community Council and City Council in 2019.

### **Background Information (City Council)**

Member Motion MM44.115

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119465.pdf>

(July 23, 2018) Report from the Chief Planner and Executive Director, City Planning on Kensington Market Neighbourhood - Designation of Study Area By-Law

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119466.pdf>