

Demolition of a Property Designated under Part IV, Section 29 of the Ontario Heritage Act - 38 Camden Street

Date: August 7, 2020

To: Toronto Preservation Board
Toronto and East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Ward 10 - Spadina-Fort York

SUMMARY

This report recommends that City Council refuse an application to demolish the significant built heritage resource on the protected heritage property at 38 Camden Street which is designated under Part IV, Section 29 of the Ontario Heritage Act.

Under the Section 34 of the Act, if City Council fails to make a decision on the application within 90 days of issuing a Notice of Receipt the application is deemed to be permitted.

The Province of Ontario has extended the March 17, 2020 Declaration of Emergency and made several subsequent Emergency Orders under the Emergency Management and Civil Protection Act. Pursuant to Ontario Regulation 73/20, the statutory timelines for City Council to consider the application to demolish a Part IV designated property are currently suspended, however, the statutory timelines under the Ontario Heritage Act are intended to commence after September 11, 2020, pursuant to Ontario Regulation 106/20 under the Emergency Management and Civil Protection Act, subject to any further amendments.

Unless the regulation is otherwise amended, the 90 day notice of the intention to demolish the building on the subject property therefore starts after September 11, 2020 and the applicant must be notified of Council's decision by December 9, 2020.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council refuse the issuance of a demolition permit for the protected heritage property at 38 Camden Street in accordance with Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 34 of the Ontario Heritage Act for the property at 38 Camden Street, City Council authorize the City Solicitor and the necessary City staff to attend the Local Planning Appeal Tribunal (LPAT) hearing in opposition to the appeal.

FINANCIAL IMPACT

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

DECISION HISTORY

On December 5, 2017, the property at 38 Camden Street was included on the City of Toronto's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>

On December 17 and 18, 2019, City Council stated its Intention to Designate the property at 38 Camden Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.8>

No objections to the Intention to Designate were made and on February 26, 2020, City Council passed By-law No. 236-2020 designating the property at 38 Camden Street under Part IV of the Ontario Heritage Act.

<https://www.toronto.ca/legdocs/bylaws/2020/law0236.pdf>

BACKGROUND

Proposal

The applicant is proposing to demolish the building on the subject property in conjunction with a Zoning By-law Amendment application to facilitate the construction of two hotel towers on the site which includes the properties at 465 and 471 Richmond Street West. On January 14, 2020, the applicant filed an appeal of the Zoning By-law

Amendment application to the Local Planning Appeal Tribunal, citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act.

On July 4, 2019, an application for a Zoning By-law Amendment was received by the City to construct two hotel towers on the site which included the demolition of the building located on the property at 38 Camden Street. At the time of the Zoning By-law Amendment application, the property was listed on the City's Heritage Register as of December 5, 2017. The property was subsequently designated on December 18 and 19 2019 when City Council stated its Intention to Designate under Part IV of the Ontario Heritage Act. No objections to the Intention to Designate were made and on February 26, 2020, City Council passed By-law No. 236-2020 designating the property under section 29, Part IV of the OHA.

A complete Application to Demolish a Heritage Structure under Part IV of the Ontario Heritage Act was received by Heritage Planning via email on May 11, 2020 and a Notice of Receipt was provided to the applicant on May 27, 2020. The Province of Ontario has extended the March 17, 2020 Declaration of Emergency and made several subsequent Emergency Orders under the Emergency Management and Civil Protection Act. Pursuant to Ontario Regulation 73/20, the statutory timelines for City Council to consider the application to demolish a Part IV designated property are currently suspended, however, the statutory timelines under the Ontario Heritage Act are intended to commence after September 11, 2020, pursuant to Ontario Regulation 106/20 under the Emergency Management and Civil Protection Act, subject to any further amendments.

Unless the regulation is otherwise amended, the 90 day notice of the intention to demolish the building on the subject property therefore starts after September 11, 2020 and the applicant must be notified of Council's decision by December 9, 2020.

Heritage Property

The property at 38 Camden Street, which includes the Edward Green Building, was designated under Part IV of the Ontario Heritage Act for its design, associative and contextual value.

The Edward Green Building has cultural heritage value for its design as a Mid-Century Modern factory and warehouse that is part of a surviving collection of post-World War II commercial buildings on Camden Street.

Following World War II when many manufacturers left King-Spadina for the City's suburbs, portions of the community were redeveloped with low-rise commercial buildings, including the Edward Green Building and its surviving neighbours on Camden Street.

Contextually, the property at 38 Camden Street has value through its support for the historical character of the King-Spadina neighbourhood and is part of an enclave of surviving mid-20th century commercial buildings that are recognized on the City of Toronto's Heritage Register. The full Statement of Significance is found in Attachment 2.

POLICY FRAMEWORK

Ontario Heritage Act

Section 34 (1) of the Ontario Heritage Act (OHA) states that no owner of a property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal. After receiving a complete application for demolition, City Council is required to issue a Notice of Receipt to the applicant. Within 90 days of issuing the notice of receipt, City Council must issue a decision, or else Council will be deemed to have consented to the application.

Section 34.1 (1) 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 the decision to the Local Planning Advisory Tribunal (LPAT).

The Planning Act

The Planning Act guides development in the Province of Ontario. It states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.” and 2(r) a built form that is well designed and provides for a sense of place.

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure
- ensuring the sufficient provision of housing to meet changing needs including affordable housing
- ensuring opportunities for job creation
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs

- protecting people, property and community resources by directing development away from natural or human-made hazards
- conservation of cultural heritage and archaeology

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan. The Plan provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed demolition:

3.1.5.4: "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

3.1.5.5: "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City."

3.1.5.6: "The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the "Standards and Guidelines for the Conservation of Historic Places in Canada."

3.1.5.26: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."

3.1.5.27: "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of façades alone is discouraged."

3.1.5.32: "Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment, consistent with Schedule 3 of the Official Plan, to the satisfaction of the City."

3.1.5.33: "Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans."

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Standards and Guidelines

The Standards and Guidelines for the Conservation of Historic Places in Canada is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto. All nine of standards apply to the proposed demolition of 38 Camden Street.

The Standards and Guidelines can be accessed here:

<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

COMMENTS

All applicable provincial and municipal policies require the conservation of heritage properties. The demolition of the structure on the designated property at 38 Camden Street would result in the irrevocable loss of the designated property's cultural heritage value and interest and is not conservation.

The reason given by the applicant to justify the demolition of the significant built heritage resource is to "prepare the site for future development."

A visual condition assessment prepared by ERA Architects Inc. was submitted with the application to demolish and found the building to be in good to fair condition with a limited number of building elements to be in poor or defective condition.

Official Plan policy 3.1.5.5 requires that proposed alterations or development on a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Integrity is defined in the Official Plan as a measure of the wholeness and intactness of the cultural heritage values and attributes of a property. In the case of the property at 38 Camden Street, its design, associative and contextual values are present and its physical attributes are intact and in good to fair condition. As such, the development proposal must ensure the retention of the property's values and attributes by protecting, not removing, them.

Official Plan policy 3.1.5.4 directs that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. These standards include:

- Standard 1: 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.
- Standard 5: Find a use for an historic place that requires minimal or no change to its character-defining elements

The proposal to construct a new development on the protected heritage properties does not conform with Official Plan Policy 3.1.5.4 as it is not consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada to conserve the heritage value of a place and to not remove, replace or substantially alter its intact character-defining elements. In addition, the redevelopment proposal on the property does not represent a use for the historic places that requires minimal or no change to its character-defining elements.

The proposal to demolish the significant built heritage resource on the protected heritage property at 38 Camden Street is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan for the Greater Golden Horseshoe.

The PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." "Conserved" is defined in the PPS as the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained. The proposal to demolish does not, in any way, protect the cultural heritage value or interest of the significant (Part IV designated) built heritage resource but rather permanently removes it.

Policy 4.2.7.1 of the Growth Plan directs that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas." This policy places a particular emphasis on conserving cultural heritage resources in strategic growth areas, such as the Downtown Urban Growth Centre where the site is located. The cultural heritage resource at 38 Camden Street is not proposed to be conserved as required in the Growth Plan. The Growth Plan recognizes explicitly that conserving cultural heritage resources need not be compromised by growth and intensification and in fact emphasizes the importance of such conservation in strategic growth areas, being where the highest level of growth and intensification is directed.

In accordance with the provisions of the Ontario Heritage Act S.34(2), Council is required to issue a decision within 90 days of the date of submission of a complete application. Staff are recommending refusal of the application to demolish under Section 34(2) of the Ontario Heritage Act.

CONCLUSION

The demolition of the significant built heritage resource on the protected heritage property at 38 Camden Street will remove all vestiges of the site's cultural heritage value and integrity. Demolition is contrary to the policies of the PPS, the Growth Plan for the Greater Golden Horseshoe, the Planning Act, the Official Plan, and the intent of the Standards and Guidelines for the Conservation of Historic Places in Canada. Staff

recommend that Council refuse the proposed demolition application for the reasons outlined in this report.

CONTACT

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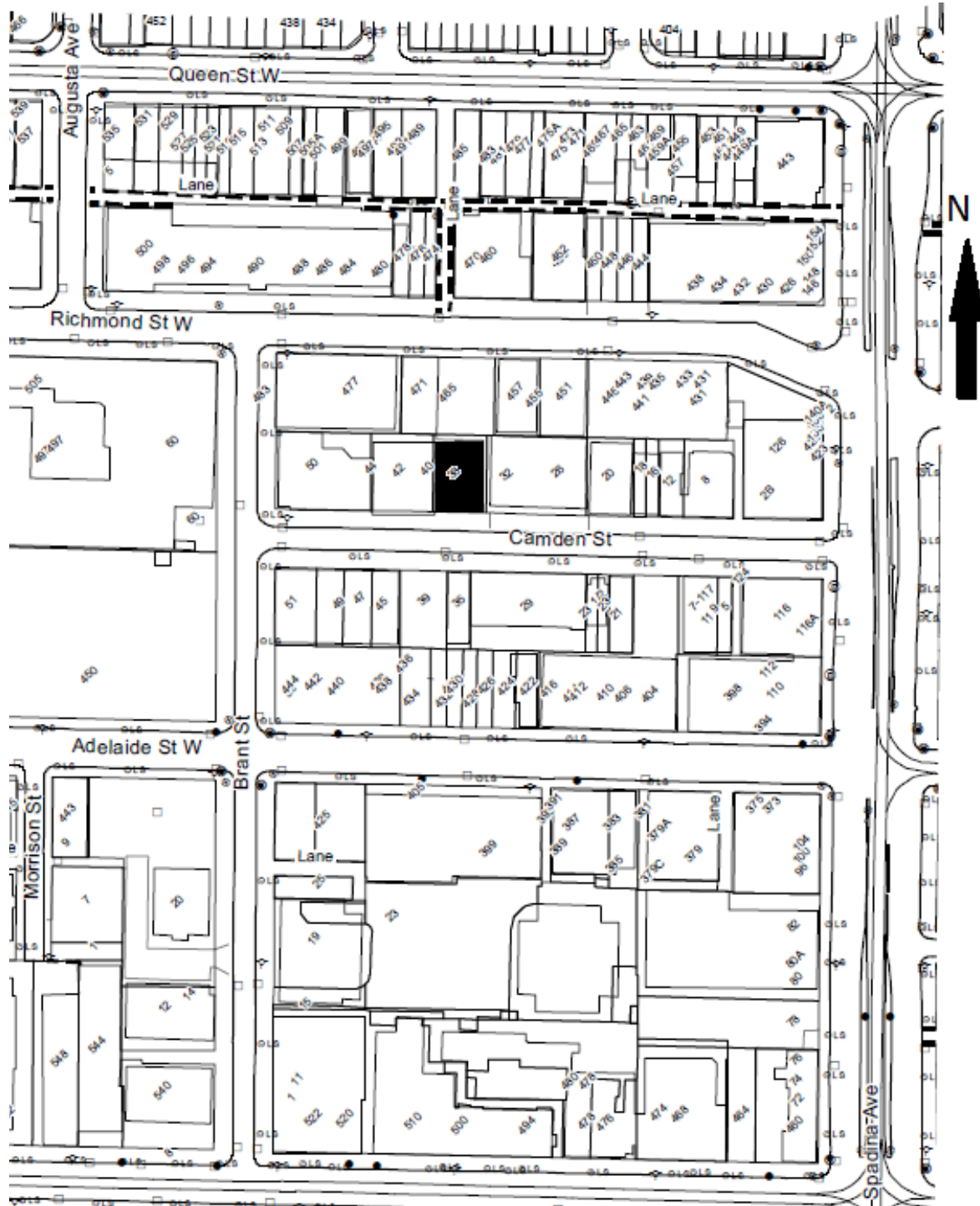
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Urban Design, City Planning

ATTACHMENTS

Attachment 1 - Location map
Attachment 2 - Statement of Significance
Attachment 3 - Photographs

LOCATION MAP
38 Camden Street

Attachment 1



Edward Green Building

The property at 38 Camden Street (including the entrance address at 40 Camden Street) is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, associative and contextual value.

Description

The property at 38 Camden Street is located on the north side of the street between Spadina Avenue (east) and Brant Street (west) in the King-Spadina neighbourhood. It contains a commercial building that was completed in 1952 for Edward Green according to the plans of Toronto architect E. I. Richmond.

The property at 38 Camden Street was listed on the City of Toronto's Heritage Register in December 2017. The King-Spadina HCD Plan (2016) identifies 38 Camden Street as a contributing heritage property. Council designated the King-Spadina Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act in October 2017 by By-law 1111-2017, which was amended by By-law 1241-2017. In 2019, the HCD was under appeal.

Statement of Significance

The Edward Green Building has cultural heritage value for its design as a Mid-Century Modern factory and warehouse that is part of a surviving collection of post-World War II commercial buildings on Camden Street. The subject building is distinguished by the treatment of its principal (south) elevation facing Camden Street with vertical and horizontal elements, including the frontispiece with the narrow vertical window opening and the recessed window openings in the flanking bays.

The property at 38 Camden Street is valued historically for its contribution to the development, evolution and regeneration of the King-Spadina neighbourhood during the 20th century. After the Great Fire of 1904, the area changed from an institutional enclave adjoined by residential subdivisions to Toronto's new manufacturing district. Following World War II when many manufacturers left King-Spadina for the city's suburbs, portions of the community were redeveloped with low-rise commercial buildings, including the Edward Green Building and its surviving neighbours on Camden Street.

The Edward Green Building was designed by architect E. I. (Edward Isaac) Richmond (1908-1982) who, after opening a solo practice in the late 1930s, "employed a progressive modernist style in his early commissions" while designing, extending and altering residential and commercial buildings in Toronto. During the post-World War II era when he became "one of the most prolific designers of apartment towers in

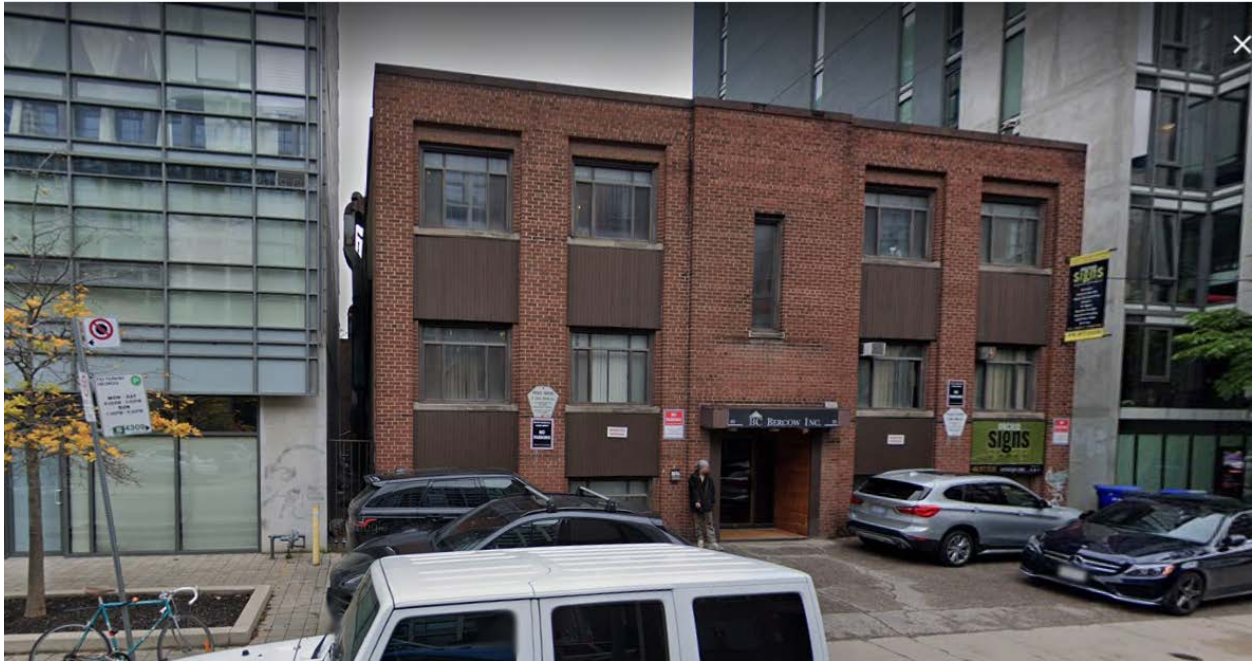
Toronto,” Richmond also designed low-rise factories and warehouses in King-Spadina, including the subject building (quotations from Biographical Dictionary of Architects in Canada, 1800-1950).

Contextually, the property at 38 Camden Street has value through its support for the historical character of the King-Spadina neighbourhood. The Edward Green Building is part of an important collection of buildings that represent the evolution of King-Spadina from its origins as an institutional and residential enclave in the 19th century, to its redevelopment as the City’s new manufacturing centre in the early 20th century, and its transformation after World War II with low-rise commercial edifices. The Edward Green Building is also historically and visually linked to its setting on the north side of Camden Street between Spadina Avenue and Brant Street where it is part of an enclave of surviving mid-20th century commercial buildings that are recognized on the City of Toronto's Heritage Register.

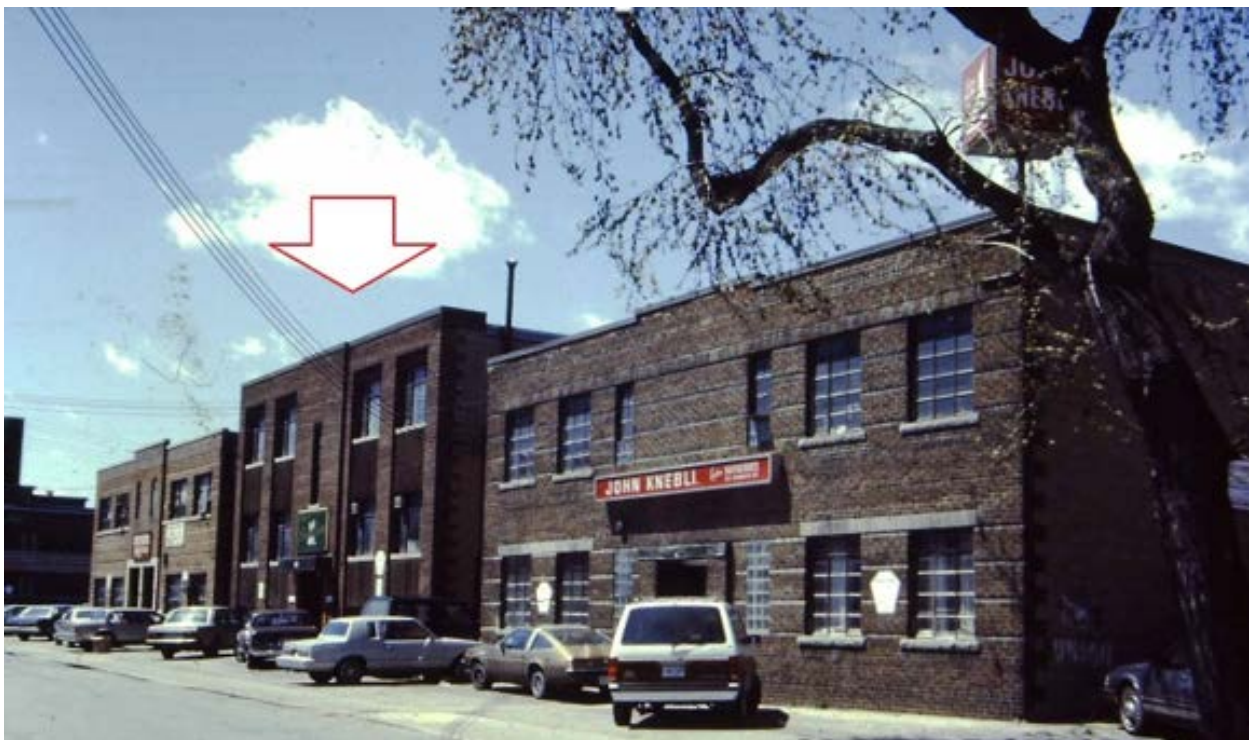
Heritage Attributes

The heritage attributes of the Edward Green Building on the property at 38 Camden Street are:

- The placement, setback and orientation of the building on the north side of the street
- The scale, form and massing of the two-storey building with the rectangular-shaped plan and the raised base with the flat-headed window openings
- The materials, with the red brick cladding and the brick and stone detailing on the principal (south) elevation
- The flat roofline with the minimal cornice on the south end, which wraps around the ends of the east and west side elevations
- The principal (south) elevation, which is organized into five bays by brick piers
- On the south elevation, the frontispiece in the central bay with the main entrance in the first (ground) floor and the vertical flat-headed window opening above
- Adjoining the frontispiece, the flat-headed window openings in the first and second stories with the stone sills, the panelled wood aprons, and the brickwork above the second-storey openings
- The east and west side elevations where, in the southernmost bays, the brickwork and coping is extended from the south elevation



2019



1988

PHOTOGRPAHS
38 Camden Street



1973