

Proposed Amendment of Designating By-law to Correct Legal Description - 40-44 Mitchell Avenue

Date: November 3, 2021

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 state its intention to propose an amendment to City of Toronto By-law 820-2021, designating the properties at 40-44 Mitchell Avenue as being of cultural heritage value or interest under Part IV, Section 29 of the Ontario Heritage Act to correct the legal description of the properties pursuant to Section 30.1 of the Ontario Heritage Act.

By-Law 820-2021 designates the properties at 40-44 Mitchell Avenue, which contains a pair of single-storey semi-detached house form buildings that were among the 16 pairs of workers' cottages completed in 1858 on the subdivision developed by solicitor and realtor James Lukin Robinson on the former Military Reserve lands east of Garrison Creek that were also known as the Garrison Common. Schedule B to By-Law 820-2021 includes an incorrect legal description of the property that was brought to City staff's attention. The proposed amendment to the by-law would correct the legal description of the properties. This amendment will have no impact on the Statement of Significance (Reasons for Designation) in the original report to City Council recommending the property's designation.

RECOMMENDATIONS

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

1. City Council state its intention to propose an amendment to By-Law 820-2021 dated October 4, 2021 to correct the legal description of the properties in accordance with Section 30.1 of the Ontario Heritage Act.

2. City Council provide notice of the proposed amendment to By-Law 820-2021 to the owner(s) of the designated properties at 40-44 Mitchell Avenue in accordance with Sections 30.1(3) and 30.1(4) of the Ontario Heritage Act.

3. If there are no objections to the proposed amendment in accordance with Section 30.1(6) of the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council to amend By-Law 820-2021.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of July 16, 17 and 18, 2019, City Council stated its intention to designate the property at 40-44 Mitchell Avenue under Part IV, Section 29 of the Ontario Heritage Act.

[Agenda Item History - 2019.TE7.25 \(toronto.ca\)](#)

A notice of objection to the designation was received by the City Clerk's Office and such objection was referred to the Ontario Land Tribunal (formerly the Conservation Review Board) for a hearing and the notice of objection was subsequently withdrawn.

COMMENTS

Following the enactment and passing of By-Law 820-2021 on October 4, 2021, it was brought to staff's attention that the legal description contained in Schedule B of the by-law and reproduced below is incorrect:

PIN 21243-0148 (LT) PART OF LOTS 20 AND 21, REGISTERED PLAN 148, AS IN WF52679

City of Toronto and Province of Ontario

Land Titles Division of the Toronto Registry Office (No. 66)

As of the date of this report, the correct legal description of the property is:

PIN 21243-0192 (LT)

LOT 50, REGISTERED PLAN 148

PIN 21243-0193 (LT)

PART OF LOT 49, REGISTERED PLAN 148 AS IN CT591690

City of Toronto and Province of Ontario

Land Titles Division of the Toronto Registry Office (No. 66)

The proposed amendment to By-Law 820-2021 would delete the legal description of the properties in Schedule B and replace it with the correct one.

CONTACT

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SIGNATURE

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ATTACHMENTS

There are no attachments