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September 10, 2021

John Elvidge  
City Clerk  
City of Toronto  
100 Queen Street West, 2nd Floor  
Toronto ON M5H 2N2

Dear Mr. Elvidge,

**RE: 2 Valleyanna Drive**

**Notice of Objection by York-Kirtling Inc. to the Notice of Intention to Designate issued by the City of Toronto on August 10, 2021  
Ontario Heritage Act, Section 29(5)**

We are the solicitors for York-Kirtling Inc. ("**York-Kirtling**"), being the owner of the property municipally known as 2 Valleyanna Drive (the "**Site**").

On August 11, 2021, the City of Toronto (the "**City**") issued a Notice of Intention to Designate the Site under Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "**Notice of Intention**"). On behalf of our client, we hereby object to the Notice of Intention pursuant to Section 29(5) of the *Ontario Heritage Act* (the "**Notice of Objection**"). Our general reasons in support of the Notice of Objection are set out on a preliminary basis below.

**Background**

***The Subject Site***

The Site is located on the east side of Bayview Avenue, south of Lawrence Avenue, and generally at the northeast corner of Bayview Avenue and Valleyanna Drive. The Site is generally triangular in shape and has a frontage of approximately 42.0 metres along Valleyanna Drive and 81.4 metres along Bayview Avenue. The Site has a total lot area of approximately 1,894 square metres.

The Site is listed on the Toronto Heritage Register and contains a 2-storey gatehouse that was constructed *circa* 1921, as well as a single-storey octagonal structure that was added *circa* 1963 and which frames an outdoor pool. The gatehouse originally formed part of the 100-acre Annandale estate. The estate house was designed by notable Toronto Arts and Crafts architect, Eden Smith, for Dr. Herbert Bruce, and it is estimated that the gatehouse was also designed by Eden Smith given, in part, its consistent architectural style. The gatehouse was historically designed to front onto Bayview Avenue as the entrance to the estate and it housed the early vehicles, the chauffeur and the estate staff.

The estate lands have undergone a process of subdivision beginning in 1957. At present the former estate lands contain a total of 20 residential lots, including 2 Valleyanna Drive. During the initial period of subdivision, between 1957-1959, the private driveway that once extended from Bayview Avenue to the main dwelling was replaced by a new public road, Valleyanna Drive, which

provided frontage for the new lots. With the exception of the Site and two additional properties (at 1 and 28 Valleyanna Drive), all of the lots that were created during this time are rectangular in shape with frontages of approximately 30 metres and depths of at least 65 metres.

By 1963, the gatehouse was converted into a single family detached dwelling. The composition of development on the Site was reoriented away from Bayview Avenue toward Valleyanna Drive, turning away from the main street, which was consistent with the suburban fashion of the day. However, the gatehouse itself continued to function as a buffer between the busy Bayview Avenue and the more private residential setting on the interior of the block.

A more detailed description of the Site, including its historical context and orientation, is further discussed in the Heritage Impact Assessment prepared by ERA Architects dated March 20, 2020 and attached as Appendix “A” to this Notice of Objection.

### ***The Proposed Development***

On June 1, 2020, York-Kirtling submitted an application for zoning by-law amendment identified as City File No. 20 151274 NNY 15 OZ (the “**ZBA Application**”). The ZBA Application was deemed complete on June 4, 2020.

As submitted, the ZBA Application proposes to fully conserve the existing 2-storey gatehouse *in situ* in its three-dimensional form. The ZBA Application proposes to introduce a 3-storey (9.6 metre) addition to the north to establish an additional four three-bedroom dwelling units on the Site. The new addition consists of high-quality contemporary architecture with a clear relationship to the existing building’s character, through the use of select cladding materials and referential datum lines. The addition is set back from the gatehouse and recessed in part below grade to ensure that there is no adverse impact on the gatehouse, its height and its roofline. The total proposed gross floor area is approximately 2,097 square metres, with a resultant floor space index of 1.11 times the area of the Site. A total of 12 parking spaces are proposed, comprised of 10 spaces reserved for residents (2 per unit) and 2 spaces reserved for visitors (collectively, the “**Proposal**”).

The proposed addition appears as a separate 3-storey dwelling that terraces from 1- to 3-storeys in height, separated from the gatehouse by a central courtyard, thereby reducing the perception of mass along the street. The Proposal will restore the original historical integrity of the Site, most notably as it relates to the gatehouse, through a full restoration of key exterior features, including the building’s carriageway entrance. The Proposal will also restore the original estate stone retaining wall (now on public property) that has become structurally compromised over the years. The Proposal will reintroduce a formal landscaping treatment to restore the Site’s legibility from Bayview Avenue as the historic entrance into the former Annandale estate.

The proposed design follows a highly iterative pre-application process with Staff from various City Divisions, including Heritage Preservation. The result of this design-driven exercise is a proposal that engages the highest standards in adaptive reuse and heritage conservation, with an architectural response that is striking.

## The Surrounding Area

The Site is located on Bayview Avenue (a major road) between Lawrence Avenue East and Eglinton Avenue East (the “**Bayview Corridor**”), which is an area that has attracted a wide variety of residential, institutional, commercial and open space uses. Building heights along the Bayview Corridor range from 2- to 9-storeys and there are a variety of residential building types – bungalows, townhouses, stacked townhouses, apartments and detached houses – as well as several major institutional uses, including the Sunnybrook Health Sciences Centre and York University’s Glendon Campus.

As often occurs along major roads in the City, there is no single prevailing built form along the Bayview Corridor. Rather there is an eclectic mix of uses, with varying intensities and heights which are quite different from the more homogeneous neighbourhoods to the west and east and from the prevailing built form on Valleyanna Drive.

Surrounding land uses include:

- **To the East:** To the immediate east is a two-storey detached dwelling at 4 Valleyanna Drive which has a three-car garage in the front yard along the west property line which provides an effective visual barrier to the Site. A swimming pool is located in the rear yard. The rear yard of 4 Valleyanna Drive extends to the north of 2 Valleyanna Drive. The lands to the further east are comprised of the single family detached dwellings developed following the subdivision of the Annandale estate described above.
- **To the South:** To the immediate south at 1 Valleyanna Drive is one of the other 3 irregular shaped lots in the subdivision, which has been developed with a two-storey detached dwelling with a swimming pool in the rear yard. Further to the south along Bayview Avenue, land uses and building typologies are mixed, including the Sunnybrook Health Sciences Centre (2075 Bayview Avenue), which is approximately 39 hectares (97 acres) in size and is comprised of several hospital and research buildings ranging in height from 1 to 8 storeys. This property also includes the main houses of the former Vaughan Estate, McLean House and The Estates of Sunnybrook.
- **To the North:** To the immediate north is the rear yard of 4 Valleyanna Drive. Further to the north along Bayview Avenue, land uses and building typologies are mixed, including York University’s Glendon Campus, which is the former Glendon Hall Estate (2275 Bayview Avenue), which now contains a variety of buildings ranging from 2 to 4 storeys, including several student residences, a library and an athletic building on the Glendon Campus. The primary vehicular entrance to the Glendon Campus is from Bayview Avenue, approximately 75 metres north of the Site. North of Glendon Campus are two 9-storey apartment buildings known as “The Chedington” (at 1 and 2 Chedington Place). North of Lawrence Avenue on the east side of Bayview Avenue are Crescent School (at 2365 Bayview Avenue) the Bob Rumball School for the Deaf (2395 Bayview Avenue), and a 4-storey residential condominium building known as One Post Road (at 1 Post Road).
- **To the West:** To the west, in the more immediate surroundings is the Lawrence Park Community Church (2180 Bayview Avenue), which is located to the north of Dawlish Avenue. To the south of Dawlish Avenue, is the development known as the Canterbury

Lawrence Park Townhomes (2102-2166 Bayview Avenue and 1-82 Hargrave Lane) which contain 174-units of 3 to 4 storey back-to-back townhouses.

### **Planning Context**

The Site is designated *Neighbourhoods* on Map 17 of the City's Official Plan. The adjacent lands to the east and west are also designated *Neighbourhoods* and the lands to the north and south are designated *Institutional*. Policy 4.1(1) provides that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings, such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments no higher than four storeys, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents.

City Official Plan Amendment 320 (“**OPA 320**”), which was approved by the former Local Planning Appeal Tribunal with modifications in December 2018, introduced new policies as it relates to *Neighbourhood* lots that front onto major streets such as Bayview Avenue. Based on the revisions introduced into the City's Official Plan by OPA 320, these lots are to be distinguished from interior lots and can warrant consideration for a more intense form of development on the basis of characteristics such as: different lot configurations, better access to public transit, adjacency to developments with varying heights, massing and scale; or direct exposure to greater volumes of traffic on adjacent and nearby streets (Policy 4.1.5 of the Official Plan, as amended by OPA 320).

The Site is currently zoned “R3, One-Family Detached Dwelling Third Density Zone” under the former City of North York Zoning By-law No. 7625, as amended. The R3 Zone permits one-family detached dwellings and accessory buildings, a home occupation, parks and open space areas and institutional uses such as schools, public libraries and places of worship.

The Site is currently zoned “RD (f21.0; a1375)” under City Zoning By-law No. 569-2013, as amended. The RD Zone permits detached dwellings, municipal shelters and parks. Additionally, several uses are permitted with conditions including but not limited to a secondary suite, an ambulance depot, a community centre, a place of worship, a home occupation and a senior's community house.

A further description of the Site, Area and Planning Context is set out in the Planning and Urban Design Rationale prepared by Bousfields Inc. dated May 2020 filed in support of the Proposal and ZBA Application, which is attached as Appendix “B” of this Notice of Objection.

### **Appeal of the ZBA Application and Mediation**

On March 30, 2021, our client appealed the ZBA Application to the Ontario Land Tribunal pursuant to Section 34(11) of the *Planning Act*, on the basis of City Council's refusal or neglect to make a decision within 90 days of the date that the ZBA Application was deemed complete (the “**OLT Appeal**”).

On August 9, 2021, the Tribunal held the first Case Management Conference in respect of the OLT Appeal. At that time, the Tribunal was advised that the parties (namely: York-Kirtling, the City of Toronto, and the Valleyana Residents' Association) were interested in pursuing Tribunal-led

mediation to attempt to resolve any issues with the Proposal. The OLT Appeal has since been scheduled for two days of mediation on October 19 and 25, 2021.

### **Reasons for Objection**

Prior to the issuance of the Notice of Intention, the proposed designation was considered by the Toronto Preservation Board at its meeting on June 16, 2021 (the “**TPB Meeting**”). In advance of the TPB Meeting, a Report for Action was issued by the Senior Manager, Heritage Planning, Urban Design, City Planning on May 25, 2021 (the “**Report for Action**”) recommending that City Council state its intention to designate the Site under Part IV, Section 29 of the *Ontario Heritage Act*.

On June 11, 2021, we filed a letter with the Toronto Preservation Board to provide preliminary comments in respect of the proposed designation, as well as to advise of certain concerns with the Statement of Significance (Reasons for Designation) included as Attachment 3 of the Report for Action. A copy of the letter that was filed with the Toronto Preservation Board is attached as Appendix “C” of this Notice of Objection.

The “Description” of the Site in the Notice of Intention states that 2 Valleyanna Drive is comprised of a two-storey, L-shaped building, that is set behind “a low, stone wall fronting Bayview Avenue, with a continuous row of Siberian elm trees that line the property to the north.” However, both the stone wall and the existing Siberian elm trees are located within the municipal boulevard, not the Site, and the Notice of Designation does not properly identify the discernable boundaries of the Site.

That being said, York-Kirtling agrees that the existing stone retaining wall is an important cultural heritage resource. Historically, the wall formed part of the composition of development to the Annandale estate along the Bayview Avenue frontage together with the gatehouse. Visually the connection between the two heritage resources remains, despite the different ownership. As stated in the “Proposed Development” section above, the Proposal also demonstrates a firm commitment to the conservation and restoration of the remaining elements of the Annandale estate along the Bayview Avenue frontage that have cultural heritage value, including the stone retaining wall.

The Siberian elm trees, on the other hand, are invasive species that were not originally planted as part of the Annandale estate. The Siberian elm trees have structurally undermined the stone retaining wall and pose an ongoing risk to further deteriorating the historical integrity of this important heritage resource. The Proposal would ensure removal of the Siberian elm trees as part of the full restoration of the stone retaining wall.

To be clear, the Notice of Intention does not identify the Siberian elm trees as a heritage resource, and York-Kirtling agrees that these trees do not have cultural heritage value. To the extent that the Notice of Intention identifies this invasive species as a component of the physical description of the Site, we submit that the Notice of Intention does not accord with good heritage conservation planning, and the reference to the Siberian elm trees should be removed in its entirety.

The Notice of Intention should be further revised to reinforce the relationship between the gatehouse and Bayview Avenue, which is critical in order to properly reflect the heritage value of

the gatehouse, in particular its contextual value. We submit that as drafted reference to the existing context of the Site as a corner property with frontage along Bayview Avenue and Valleyanna Drive blurs the Site's contextual value. To the extent that reference to the existing context may be appropriate as a factual matter, further refinement is required to reinforce the primacy of the Site's Bayview Avenue frontage as a heritage feature worthy of conservation and manifestation.

As a related point, the Notice of Intention has been issued in the midst of the Tribunal's consideration of the ZBA Application and Proposal, which provides an in-depth evaluation of the gatehouse and the changes to the Site and its surrounding that are required to conserve and rehabilitate remnant historic features of the Annandale estate. We submit that the Notice of Intention will, or is intended to, impact potential future physical changes on the Site and the gatehouse. The *Ontario Heritage Act* recognizes the interrelationship between the act of designation under Part IV and planning matters, generally, which is particularly manifest in recent changes to the Act. We submit that the issues generally set out above should be addressed, and the Notice of Intention should be developed and refined, in conjunction with the final determination of the ZBA Application and the Proposal. This coordinated approach provides the opportunity to meaningfully assess the heritage attributes of the Site in conjunction with the potential future changes that may ensue as a result of the Proposal, and which directly implement provincial and City policy objectives. We submit that this approach constitutes good planning, including as it relates to matters of heritage planning, and it will best ensure that a decision made in respect of the Notice of Intention is consistent with the Provincial Policy Statement, that it conforms with the Growth Plan for the Greater Golden Horseshoe, that it has regard to matters of provincial interest, and that it conforms with the City of Toronto Official Plan.

Should you require any further information, documentation, or any other thing to constitute this Notice of Objection, please advise the undersigned forthwith, or in his absence Michael Cara ([mcara@overlandllp.ca](mailto:mcara@overlandllp.ca) or 416-730-8844)

Yours truly,  
Overland LLP



Per: Daniel B. Artenosi  
Partner

Encl.