

## **Alterations to a Heritage Property and Authority to Enter into a Heritage Easement Agreement - 103 Heath Street West**

**Date:** July 4, 2022

**To:** City Council

**From:** Chief Planner and Executive Director, City Planning

**Wards:** Toronto - St Paul's - Ward 12

### **SUMMARY**

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This report recommends that City Council approve the alterations proposed for the property at 103 Heath Street W (designated under Part IV of the Ontario Heritage Act) under Section 33 of the Ontario Act, in connection with the proposed redevelopment of the site. This report also recommends that City Council grant authority to enter into a Heritage Easement Agreement for the property.

Built in c. 1892-1893, the property at 103 Heath Street West features a 2½-storey house-form building. It is notable as a Late Victorian-era dwelling that incorporates both Bay-and-Gable and Queen Anne Style architectural features and stands as a defining property within a group of varied architectural types and styles on Heath Street. The property is significant for being one of the earliest surviving houses representative of an early period in the planned land development of the street and the Deer Park community. The development site also contains an adjacent two-storey house-form building at 101 Heath Street West, which was not identified as a significant heritage resource and is slated to be removed as part of the proposal.

As a part of the redevelopment of the site and a concurrent Site Plan Application (20 152778 STE 12 SA), the proposal includes retention in-situ and rehabilitation of the north elevation of the property, and retention of approximately 10 metre deep portions of both the adjacent east and west side walls. The rear portion of the dwelling will be removed to accommodate a three-storey (12 m) residential building consisting of 10 dwelling units.

## RECOMMENDATIONS

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The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council approve the alterations to the heritage property at 103 Heath Street West in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a 3 storey building with 10 residential units incorporating the heritage building, for the properties at 101-103 Heath Street West, with such alterations to be substantially in accordance with the plans and drawings dated November 11, 2021, prepared by RAW Architects and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by Architects Rasch Eckler Associates Ltd, dated April 15, 2022 and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to the following conditions:

a. That prior to final Site Plan approval for the property located at 101-103 Heath Street West the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 103 Heath Street West in accordance with the plans and drawings dated November 11, 2021, prepared by RAW Architects and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by Architects Rasch Eckler Associates Ltd, dated April 15, 2022 and in accordance with the Conservation Plan required in Recommendation 1.b.2, to the satisfaction of the Senior Manager, Heritage Planning including registration of such agreement to the satisfaction of the City Solicitor.
2. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 103 Heath Street West prepared by Architects Rasch Eckler Associates Ltd, dated April 15, 2022, to the satisfaction of the Senior Manager, Heritage Planning.
3. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.a.2 to the satisfaction of the Senior Manager, Heritage Planning.
4. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
5. Provide a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.

6. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

b. That prior to the issuance of any permit for all or any part of the properties at 101-103 Heath Street West including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

1. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan.

3. Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a USB flash drive in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to the release of the Letter of Credit required in Recommendation 1.b.2, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan, Landscape Plan, Heritage Lighting Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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At its meeting of June 8, 2021, Toronto City Council adopted TE25.10 thereby designating 103 Heath Street West under Part IV the Ontario Heritage Act. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE25.10>

On December 8, 2021, Minor Variance application A0266/21TEY seeking variances to the zoning by-law for the development at 101-103 Heath Street West was approved at the Toronto East York Committee of Adjustment with conditions subject to obtaining a heritage permit under Section 42 of the Ontario Heritage Act and final satisfaction of the Senior Manager, Heritage Planning. This approval was appealed and is currently with the Toronto Local Appeal Board (TLAB).

## **BACKGROUND**

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### **Site/Heritage Property**

The property at 103 Heath St West is located on the south side of Heath Street West between Yonge Street and Avenue Road within Deer Park neighbourhood. It is designated under Part IV of the Ontario Heritage Act (OHA) with the passing of By-law 157-2022 by City Council on June 8, 2021 for its cultural heritage value. It meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, associative and contextual value. The property contains a detached, 2-1/2 storey red brick house-form building constructed c.1892-1893.

### **Cultural Heritage Value**

Built in c. 1892-1893, the building at 103 Heath Street West has design value as a Late Victorian-era dwelling that incorporates both Bay-and-Gable and Queen Anne Style architectural features with the combination of a two and a half storey bay centred rather than offset on the principal (north) elevation, decorative wooden bargeboards and brackets framing an attic-storey sleeping porch, and for its heavy stone lintels and a complicated roofline of hips, gables and window dormers. The property is significant as containing one of the earliest surviving houses built on the portion of the street belonging to its Plan 365 subdivision and stands as a defining property within a group of buildings that display varied architectural types and styles on Heath Street.

## **Proposal**

The applicant is proposing to construct a 3-storey residential building containing 10 dwelling units on the properties at 101 and 103 Heath Street West. The new development will be located at the rear of the existing heritage resource at 103 Heath Street West and on the east-adjacent property at 101 Heath Street West. The proposal includes retention in-situ of the north (principle) elevation and 10 metre portions of the east and west elevations, while the rear portion of 103 Heath Street West will be demolished.

A glazed central atrium transitioning between the heritage building and the new east-adjacent building is proposed. The glazed atrium in between both building forms will not be directly connected to the heritage building but it will run parallel alongside the east wall separated by about 1.65 metres, and on the frontage it be stepped back a few metres from the front walls of the two adjacent buildings.

The new, east-adjacent building will be constructed as a three-storey residential building, clad in masonry, with an integral garage, and with generally similar proportions and height to the frontage of the heritage building at 103 Heath Street West.

The retained heritage property will undergo heritage restoration work for masonry repair, to reinstate wood windows, and to restore wood detailing and the roof. The details will form part of a forthcoming Conservation Plan that will be secured through this development application.

## **Heritage Planning Framework**

### **Provincial Policy Statement and Planning Act**

The Planning Act and the associated Provincial Policy Statement guide development in the Province. The Act 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."

The Provincial Policy Statement 2020 (PPS) issued under the authority of Section 3 of the Planning Act 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. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. The Planning Act requires that City Council's decisions affecting land use planning matters "be consistent with" the Provincial Policy Statement.

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."

Policy 2.6.3 of the PPS directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

## **Growth Plan**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019 and was amended through an Order in Council that came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2020) 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 (2020) 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 (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

## **City of Toronto Official Plan**

This City-initiated Zoning By-law amendment 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. Relevant policies include the following:

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 as 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. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

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."

## **Parks Canada Standards and Guidelines for Conservation of Historic Places in Canada**

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

### **COMMENTS**

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Heritage Planning staff have reviewed the plans and drawings prepared by RAW Architects dated November 11, 2021, and the Heritage Impact Assessment prepared by Architects Rasch Eckler Associates Ltd, dated April 15, 2022.

This proposal originally included the demolition of the heritage building at 103 Heath Street West and its partial reconstruction through panelization. Heritage Planning worked diligently with the applicant through various iterations of this proposal and varying levels of conservation until a scheme was achieved that no longer proposed the complete demolition of the heritage building. The revised proposal is now considered to adequately conserve the cultural heritage resource at 103 Heath Street West. Staff also worked alongside other internal groups such as Urban Forestry and Transportation to allow reconfiguration towards the rear involving mature trees in order to avoid locating parking directly below the heritage building which would have prevented the in-situ retention of 103 Heath Street West.

The current proposal will retain in-situ the complete north (primary) elevation and approximately 10.5 metres of the east and west elevation walls. This retained portion of the property will include the property's identified heritage attributes. The southern portion beyond this will be removed to accommodate the development, as will the entirety of the east-adjacent property at 101 Heath Street West.

On the west elevation, the new building will begin beyond the second bay of windows, maintaining a defining portion of the building containing a round-arched window opening with raised brick voussoir detailing features, and a roof window dormer. On the east elevation, the wall is kept the same extent as the west wall and two important chimney features and a decorative roof gable is retained. In this area between the two buildings, the applicant is proposing a glazed atrium.

This atrium is inset a few metres beyond the front elevation and between both buildings which creates a transition that helps define and separate the form of the new adjacent building, clad in masonry. The glass atrium does not make a connection with the heritage building but the wall runs parallel and is separated by about 1.65 metres from the east wall.

As viewed from the street, the new east side building (formerly 101 Heath Street West) generally aligns with the frontage of the heritage building and blend with the height datum lines, materials, and massing proportions of the existing building at 103 Heath

Street West while using contemporary forms to distinguish it as a separate building. Staff is satisfied that the adjacent new building design is distinct from, but compatible with, the existing heritage property at 103 Heath Street West.

As part of this development Staff will be securing repair and restoration of the property including but not limited to: general masonry repairs (and the two distinct chimneys); repair and restoration of decorative wood detailing throughout and in the attic-storey porch, replacing all windows with appropriate hung wood windows, and lintels repairs. The details of the conservation strategy will be included in a forthcoming Conservation Plan.

Staff are supportive of the proposal to alter the Part IV designated property under Section 33 of the Ontario Heritage Act to allow for the construction of a three-storey building containing 10 residential units at 103 Heath Street West. Staff support the proposed conservation strategy for partial retention of the property, noting that the balance of the site's heritage attributes will remain in place and not incur major direct impacts but instead will be restored as a result of the development. Heritage Planning staff are therefore of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes and character of the heritage property.

### **Conservation Plan**

Should Council approve the proposed conservation strategy, prior to the issuance of the first permit for the development, the owner should be required to submit a Conservation Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. The Conservation Plan should detail all of the recommended interventions and conservation work including any recommended restoration work, a detailed plan describing how the heritage building will be protected during construction, a schedule of short and long-term maintenance requirements and estimated costs for all conservation work.

### **Interpretation Plan**

Should Council approve the proposed conservation strategy, prior to final Site Plan approval, the applicant will be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.

### **Heritage Lighting Plan**

The Heritage Lighting Plan should provide details of how the heritage features of 103 Heath Street West will be lit.

### **Landscape Plan**

Staff is recommending that the applicant be required to provide a Landscape Plan that enhances the heritage character of the property.

## **Heritage Easement Agreement**

Staff is recommending that the owner enter into a Heritage Easement Agreement to secure the long-term protection of 103 Heath Street West included in the development site.

### **CONTACT**

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### **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning

### **ATTACHMENTS**

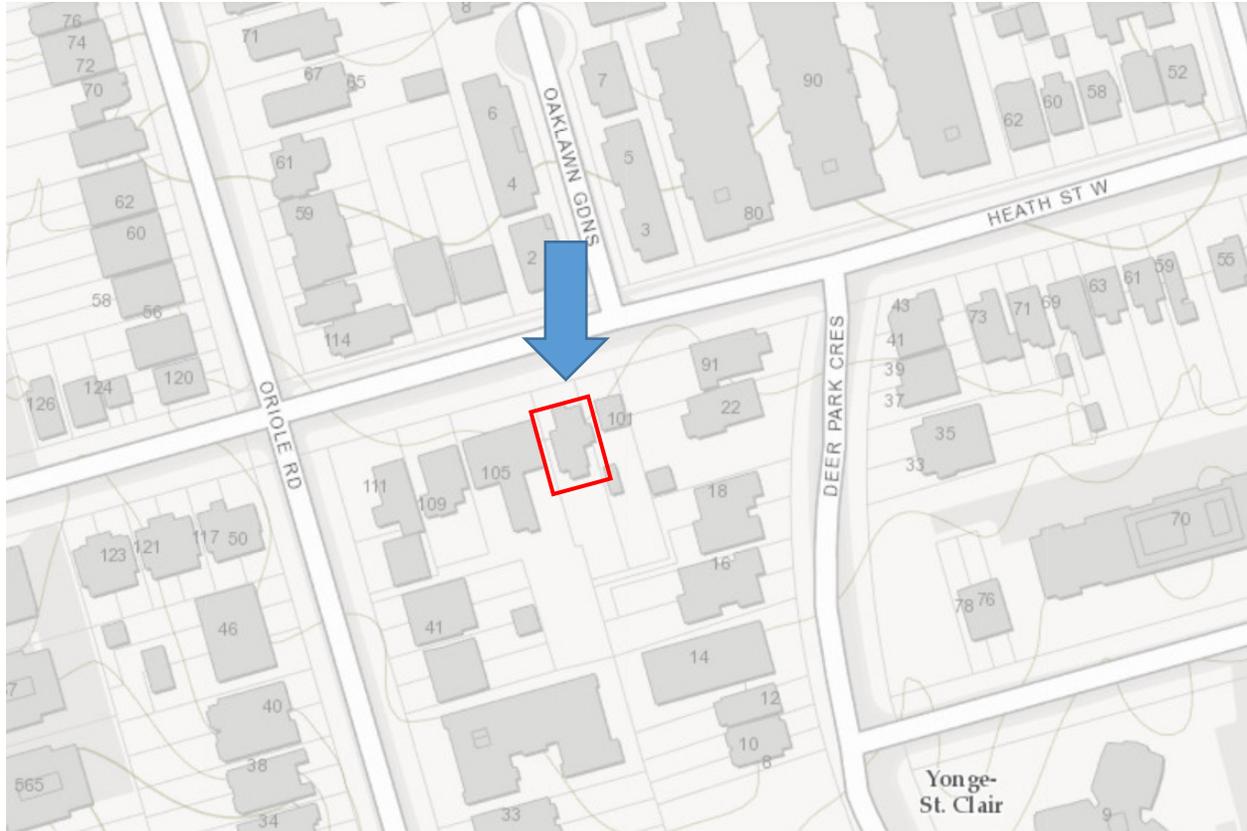
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Attachment 1: Location map  
Attachment 2: Photographs  
Attachment 3: Plans and drawings  
Attachment 4: Renderings

# LOCATION MAP

# ATTACHMENT 1

## 103 Heath Street West



Map showing the location of the subject property and 103 Heath Street West (for informational purposes only: iView, City of Toronto)

**PHOTOGRAPHS**

**ATTACHMENT 2**

**103 Heath Street West**



Partial view of the north (principle) elevation of 103 Heath Street

## PHOTOGRAPHS

### 103 Heath Street West



Partial view of the north (principle) elevation and the bay windows at 103 Heath Street

**PHOTOGRAPHS**  
**103 Heath Street West**



Partial view of east elevation showing the area at rear proposed for demolition

## PHOTOGRAPHS

### 103 Heath Street West

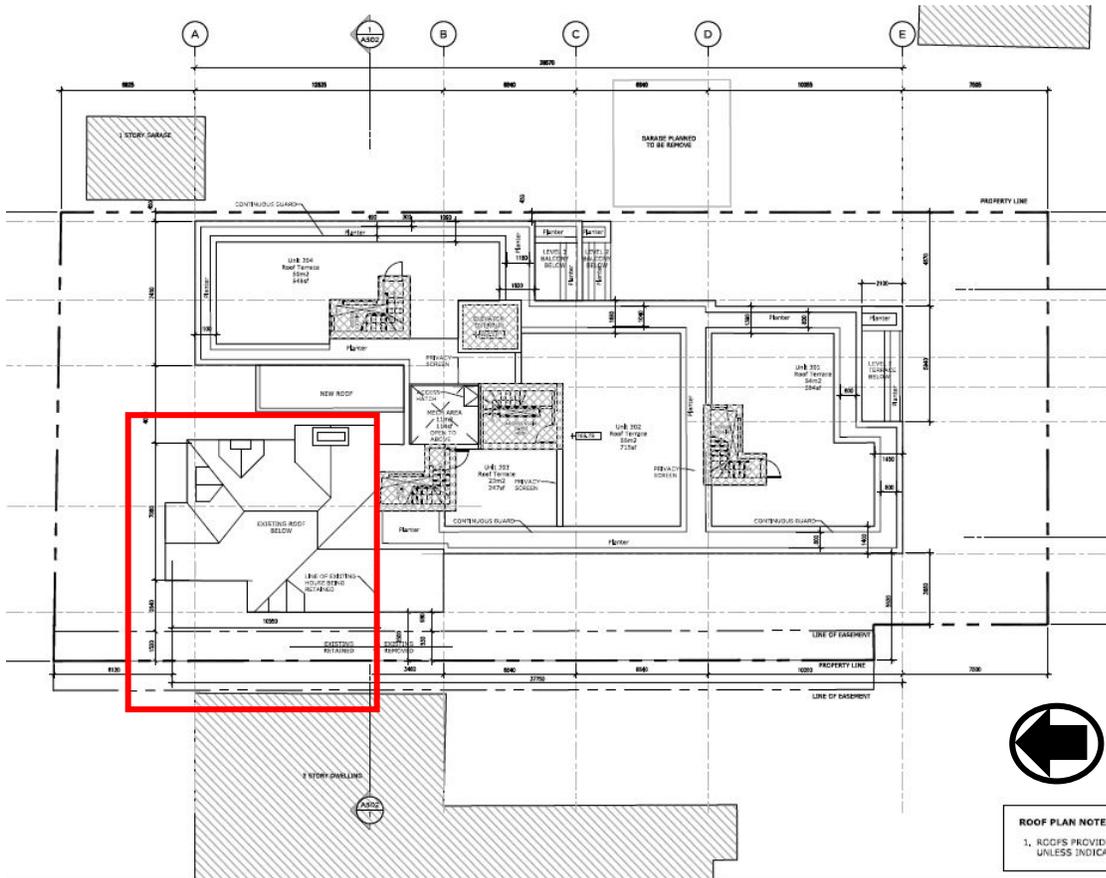


View of west elevation of 103 Heath Street West showing an example of the round arched openings with raised brick voussoir detailing found on north and west elevations. Note: unsympathetic brick window sills below the windows and the general poor condition of masonry which is proposed to be repaired and restored

PLANS

ATTACHMENT 3

103 Heath Street West



Site plan/roof plan of proposal at 101-103 Heath Street West. Heritage building is shown in red box (RAW Architects).

**PLANS**

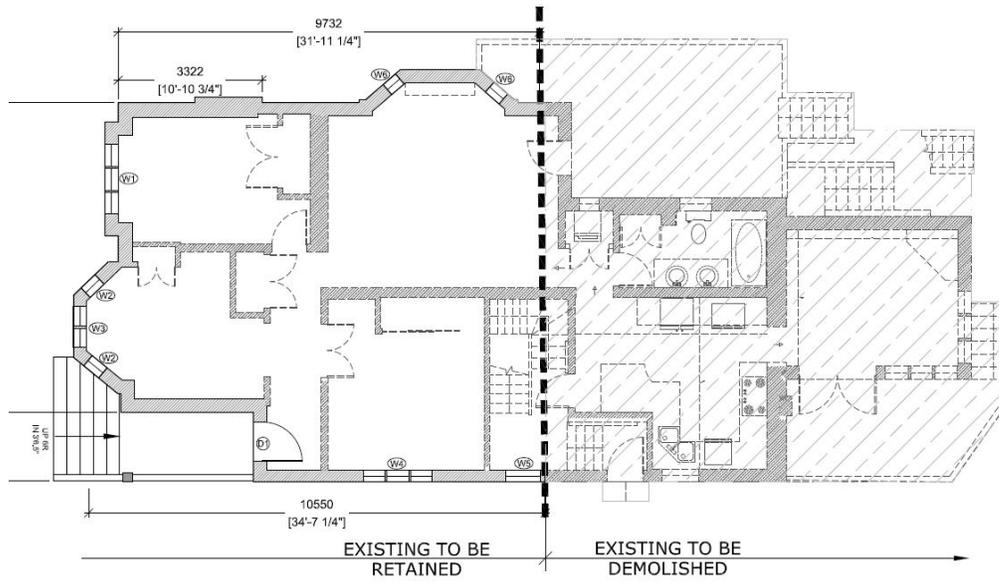
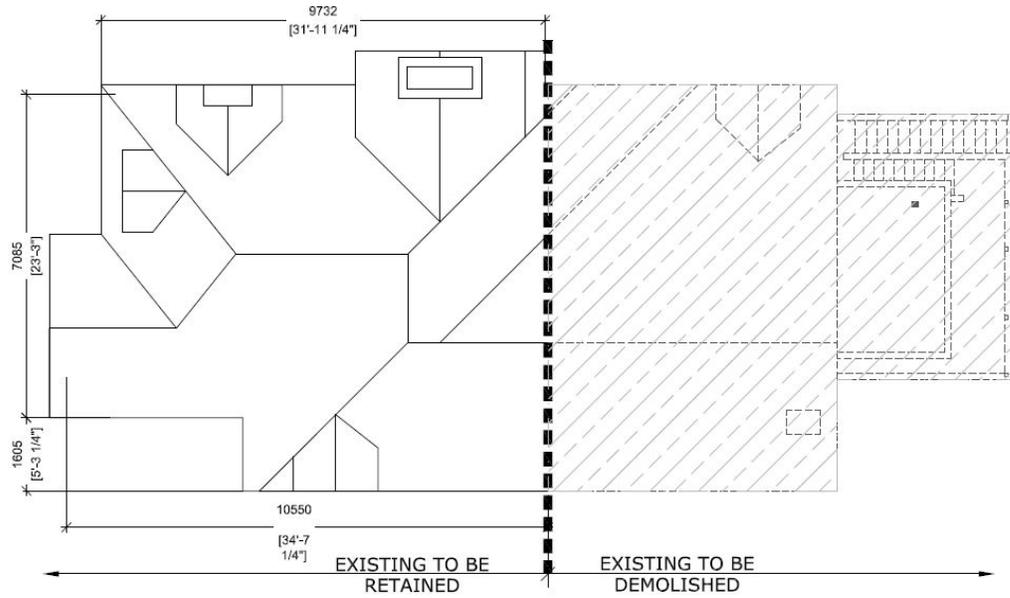
**103 Heath Street West**



North elevation drawing showing the existing heritage house on the right alongside the new proposal on the left

# PLANS

## 103 Heath Street West



GROUND FLOOR PLAN

Diagram showing the extent of retention on the building at 103 Heath Street West

# PLANS

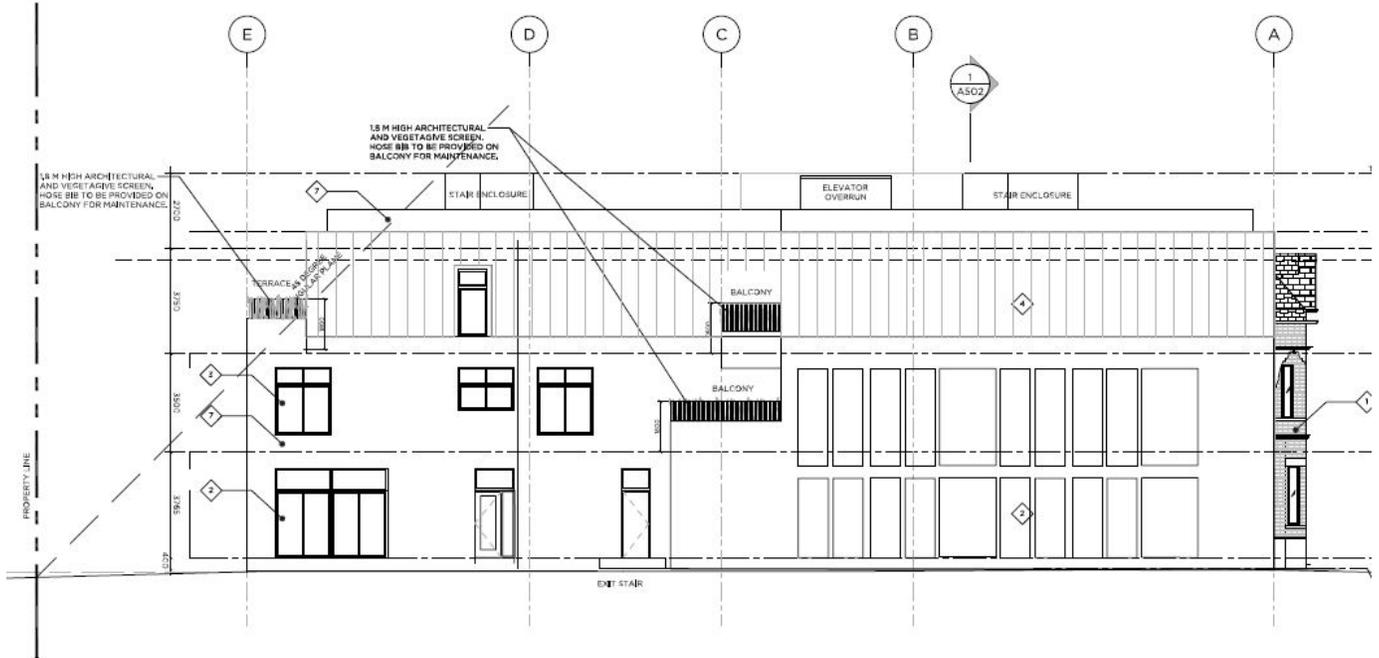
## 103 Heath Street West



View of the east elevation of 103 Heath Street West including the new development attached and at the rear

# PLANS

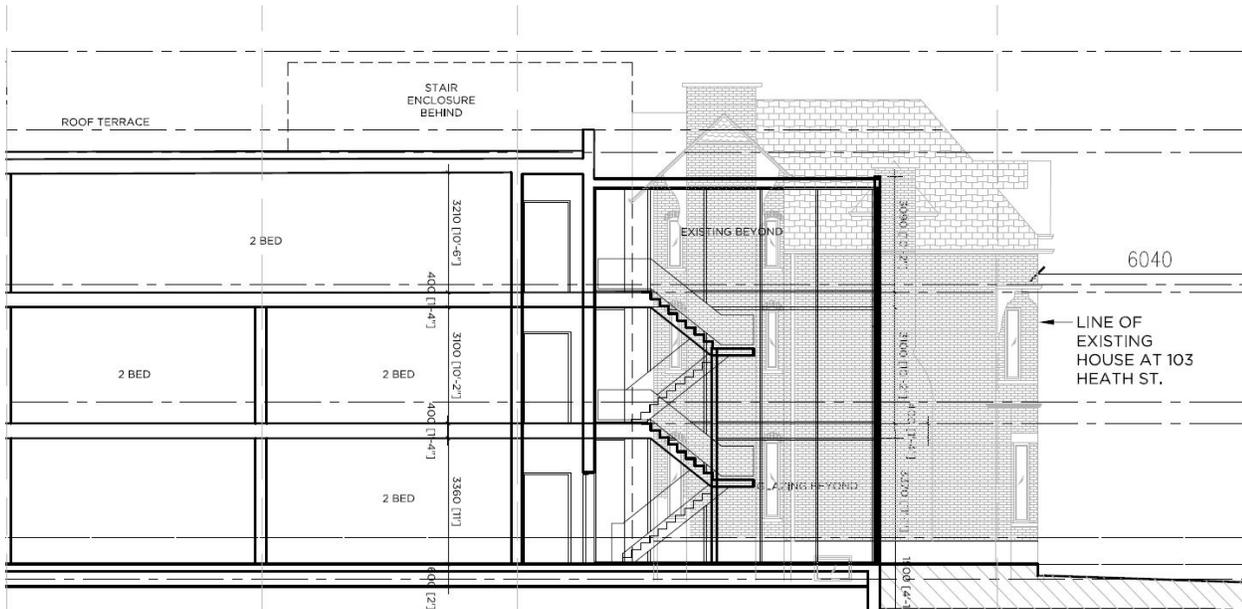
## 103 Heath Street West



View of the west elevation of 103 Health Street View of heritage building is blocked from new building. See next

# PLANS

## 103 Heath Street West



View of west elevation of 103 Heath Street West with cross section view and through to the heritage building

**RENDERINGS**  
**103 Heath Street West**

**ATTACHMENT 4**



Rendering of the north (principal elevation) (RAW Architects)

## RENDERINGS

### 103 Heath Street West



3D view of the north elevation of the building at 103 Heath Street West (principal elevation) (RAW Architects)