

Alterations to a Heritage Property and Authority to Enter into a Heritage Easement Agreement - 505 Balliol Street

Date: September 19, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 15 - Don Valley West

SUMMARY

This report recommends that City Council approve the alterations proposed for The Page House and Grocery Store at 505 Balliol Street (designated under Part IV of the Ontario Heritage Act) in connection with the development of the subject property. The Page House and Grocery Store is a one-and-a-half storey, gable-roofed classic 19th-century Ontario house completed by 1889 and adapted to function as a neighbourhood store from 1924 to 1951.

The development of the property requires approval of the Committee of Adjustment and propose the severance of the property into two residential lots, the demolition of the existing rear addition, the relocation of the original building to the centre of the lot and the construction of an addition with two new semi-detached residential dwellings to the rear. The proposed alterations conserve the subject heritage property and are consistent with the policy framework. The heritage impacts of the development proposal are appropriately mitigated through the overall conservation strategy.

RECOMMENDATIONS

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

1. City Council approve the alterations to the heritage property at 505 Balliol Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the demolition of the existing rear addition, the relocation of the original building and the construction of two new semi-detached residential dwellings on the lands known municipally in 2022 as 505 Balliol Street, with such alterations substantially in accordance with plans and drawings dated April 20, 2022, prepared by GBCA Architects 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 additional conditions:

a. That prior to the issuance of any permit for all or any part of the property at 505 Balliol Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 505 Balliol Street in accordance with the plans and drawings dated April 20, 2022, prepared by GBCA Architects and on file with the Senior Manager, Heritage Planning and in accordance with the Conservation Plan required in Recommendation 1.a.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 to the satisfaction of the Senior Manager, Heritage Planning.
3. 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.
4. Provide a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.
5. 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.
6. 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.
7. 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.
8. Withdraw their objection to the designation of the property at 505 Balliol Street under Part IV, Section 29 of the Ontario Heritage Act with the Ontario Land Tribunal.

b. That prior to the release of the Letter of Credit required in Recommendation 1.a.7, 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, 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.

2. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 505 Balliol Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 505 Balliol Street.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 21, 2012, City Council established the Midtown Planning Group to create a proactive and comprehensive strategy for planning initiatives in the Yonge-Eglinton area. The Midtown Planning Group consists of the three local councillors for Wards 16, 22 and 25, representatives of local residents' associations and Business Improvement Areas, local citizens and City staff from North York and Toronto and East York Districts. A map showing the Midtown in Focus Study Area is attached (Attachment 1).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG16.17>

At its meeting of July 12, 2016, City Council adopted PG13.1 "Midtown in Focus: Growth, Built Form and Infrastructure Review - Status Report" including the findings and emerging directions of the first phase of the review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

At its meeting of February 22, 2017, the Toronto and East York Community Council directed the Senior Manager, Heritage Preservation Services to report back to the Toronto and East York Community Council on the possibility of designating the property

at 505 Balliol Street under Part IV, Section 29 of the Ontario Heritage Act.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.101>

At its meeting on January 31, 2018, City Council adopted the Motion "505 Balliol Street - Intention to Designate under Part IV, Section 29 of The Ontario Heritage Act - by Councillor Josh Matlow, seconded by Councillor Kristyn Wong-Tam." The Motion was urgent as the property was at risk of being demolished unless Council made a decision to state its intention to designate the property at 505 Balliol Street under Part IV, Section 29 of the Ontario Heritage Act immediately.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM36.26>

On March 19, 2018, the owner filed a formal objection to the designation of the property at 505 Balliol Street under Part IV, Section 29 of the Ontario Heritage Act with the Conservation Review. That objection remains outstanding. Since the objection was filed, there have been extensive "without prejudice" discussions between the owner and City staff.

BACKGROUND

Area Context

The property at 505 Balliol Street is located on the south side of Balliol Street, west of Mount Pleasant Road and Bayview Avenue in the Davisville neighbourhood. The Davisville neighbourhood as it exists today was established through the late 19th-century subdivision of the area, which included the creation of Balliol and Merton Streets.

Heritage Property

The subject property contains The Page House and Grocery Store, a one-and-a-half storey, gable-roofed structure completed by 1889 and adapted to function as a neighbourhood store from 1924 to 1951. The Page House and Grocery Store at 505 Balliol Street has cultural heritage value as a representative example of the classic 19th-century Ontario house that is associated with the historical development of Davisville and the Davis family. Contextually, the building contributes to the historic character of Balliol Street maintaining a physical link to its nineteenth century origins and subsequent early 20th-century growth as a residential neighbourhood in which the house-turned-grocery-store served as a local amenity.

The subject property was identified as having potential heritage value in the "Midtown in Focus: Cultural Heritage Resource Assessment (2017)". On February 16, 2018, the City Clerk posted public notice regarding a Notice of Intention to Designate, informing the public that Toronto City Council intends to designate the lands and building known municipally as 505 Balliol Street under Part IV of the Ontario Heritage Act. The owner has filed an objection to the designation of the property with the Ontario Land Tribunal.

Adjacent Heritage Property

No property on the City's Heritage Register is adjacent to the subject site.

Development Proposal

The Committee of Adjustment application proposes to obtain consent to sever the property into two residential lots (with access easements) and minor variances to allow for two new semi-detached residential dwellings that are additions to the rear of the existing building. The existing building is proposed to be retained and centered on the lot.

Heritage Planning Policy Framework

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) "to a built form that is well designed and provides for a sense of place."

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; and
- 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, management and use 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 states 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."

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

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.

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 alterations:

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."

3.1.5.16: "Properties on the Heritage Register and publicly known archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities."

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."

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 (the "Standards and Guidelines") is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) the Standards for Rehabilitation (10-12), and the Standards for Restoration (13-14) apply to this project.

The Standards and Guidelines can be accessed here:
<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

COMMENTS

Conservation Strategy

The original Committee of Adjustment applications were scheduled to be heard in 2017 and involved the demolition of the existing building and its replacement with two new dwellings. Following extensive discussions between the owner and City staff, the proposal has been revised. The revised proposal involves the severance of the property into two residential lots, the demolition of the existing rear addition, the relocation of the original building to the centre of the lot and the construction of an addition with two new semi-detached residential dwellings to the rear. The proposed demolition of the existing rear addition will not have a heritage impact as it is a later addition and not identified as a heritage attribute of the property in the Statement of Significance. A new historically-appropriate window is proposed on each of the side walls of the heritage house and it will be fully restored.

The Page House and Grocery Store is proposed to be shifted west so that it is centred on the lot. The existing front yard setback will be maintained. The City's Official Plan allows for the relocation of heritage buildings in specific circumstances. Policy 3.1.6.29 states,

Heritage buildings and/or structures located on properties on the Heritage Register should be conserved on their original location. However, where it is supported by the cultural heritage values and attributes of a property on the Heritage Register a heritage building may be relocated within its property or development site where:

- a) the heritage building or structure is not attached to or adjoining another building or structure;*
- b) the location, orientation, situation or view of the heritage building is not identified in the Official Plan or as a cultural heritage value or attribute of the property, and/or the proposed relocation will not negatively affect the cultural heritage values or attributes of the property;*
- c) the portion of the heritage building or structure that contains the identified cultural heritage values and attributes is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed;*
- d) the relocation on site does not conflict with any applicable Heritage Conservation District plans;*
- e) a Heritage Property Conservation Plan is submitted that demonstrates that the removal and relocation of the building or structure within its existing property will not pose any physical risk to the heritage building and/or structure, its cultural heritage values and attributes, to the satisfaction of the City; and*
- f) these and any other related conditions are secured in a Heritage Easement Agreement prior to removal and relocation on site.*

The proposal is consistent with the City's Official Plan and the submission of a Conservation Plan and entering into Heritage Easement Agreement are recommended as conditions of approval to secure the long-term conservation of the property.

The new addition connecting to the rear of the relocated Page House and Grocery Store has been carefully designed to ensure that it is compatible with and subordinate to the heritage building. The relocated Page House and Grocery Store will function as the entrance to the two new dwellings at grade with living space on the second storey. A glazed link will connect the heritage building to the dwellings to the rear. The link connects below the existing roof ridge and is stepped in from the side walls of the heritage building to differential between the massing of the old and new structures and provide an appropriate transition. While the new three-storey dwellings are taller than the one-and-a-half-storey Page House and Grocery Store, they will appear subordinate, because they are located behind the heritage building. The symmetrical facades, punched windows with mullions, horizontal cladding and gable roofs of the new dwellings are compatible with the heritage building.

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 should be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning. The Interpretation Plan should communicate the cultural heritage value of The Page House and Grocery Store as described in the Statement of Significance.

Heritage Lighting Plan

The Heritage Lighting Plan should provide details of how The Page House and Grocery Store will be lit so its unique heritage character is highlighted.

Landscape Plan

Staff is recommending that the applicant be required to provide a final Landscape Plan that enhances the heritage character of the property to the satisfaction of the Senior Manager, Heritage Planning as a condition of Site Plan approval.

Heritage Easement Agreement

Staff is recommending that the owner enter into a Heritage Easement Agreement to secure the long-term protection of The Page House and Grocery Store at 505 Balliol Street.

CONCLUSION

Staff are supportive of the proposal to alter the Part IV designated heritage property at 505 Balliol Street, to allow for the severance of the property into two residential lots (with access easements) and construction of an addition with two new semi-detached residential dwellings at the rear of the existing, which will be retained and centered on the lot. Staff support the proposed relocation of the building and alterations in the context of the conservation and mitigation methods proposed for the site and are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes and character of the heritage property

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SIGNATURE

Gregg Lintern, MCIP, RPP
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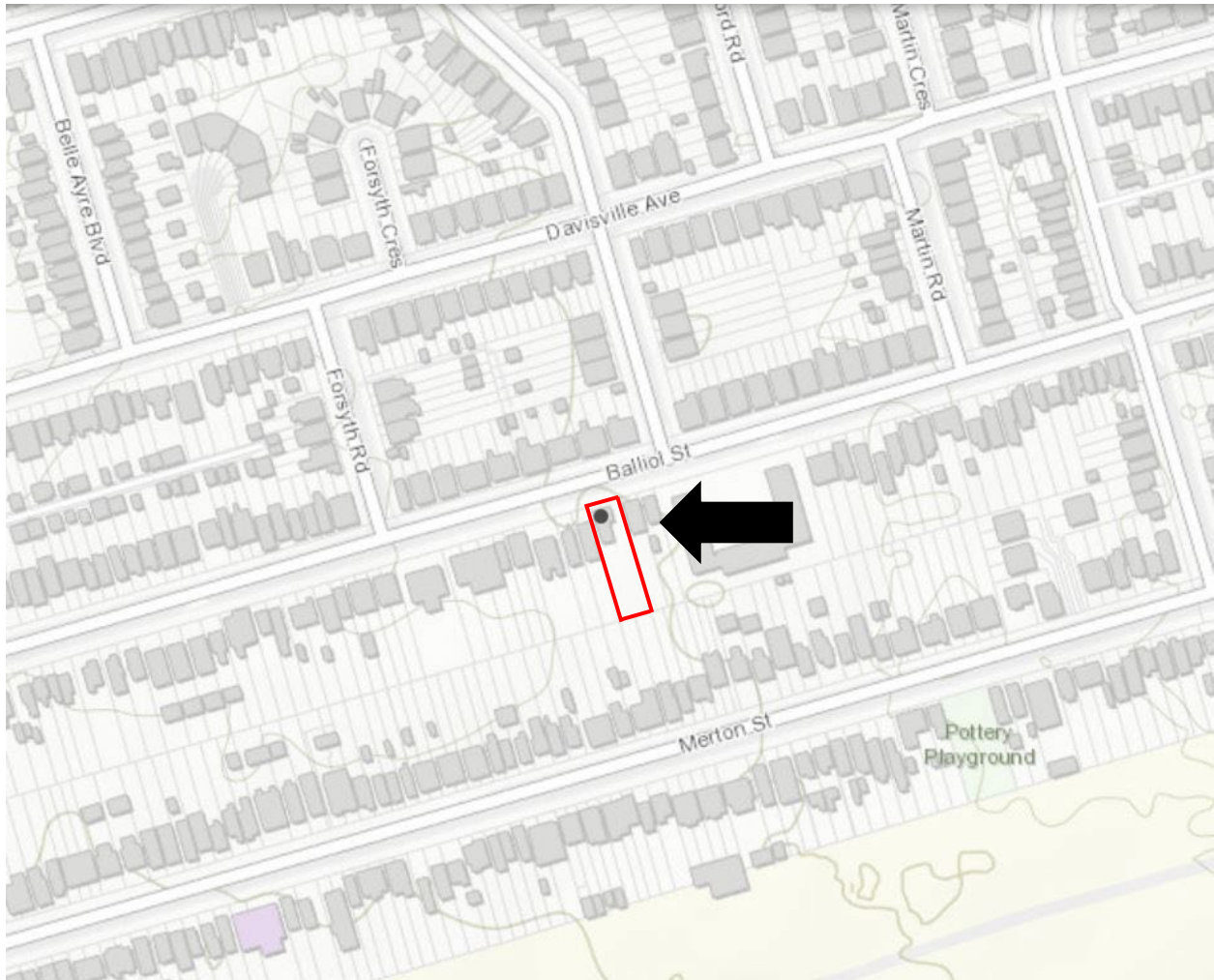
ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs
Attachment 3 - Selected Drawings

LOCATION MAP

ATTACHMENT 1

505 BALLIOL STREET



Location of the property at 505 Balliol Street indicated by the arrow. Note: This location map is for information purposes only; the exact boundaries of the property are not shown. North is located at the top of the map. (City of Toronto mapping.)

PHOTOGRAPHS
505 BALLIOL STREET

ATTACHMENT 2



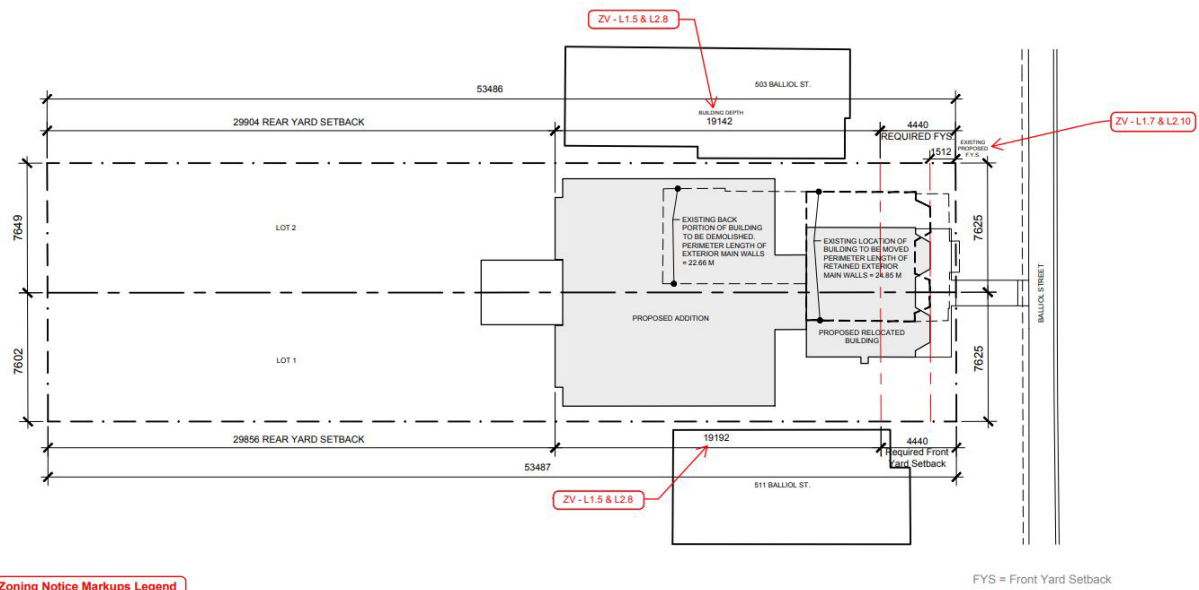
The north elevation of 505 Balliol Street (City of Toronto, 2017)



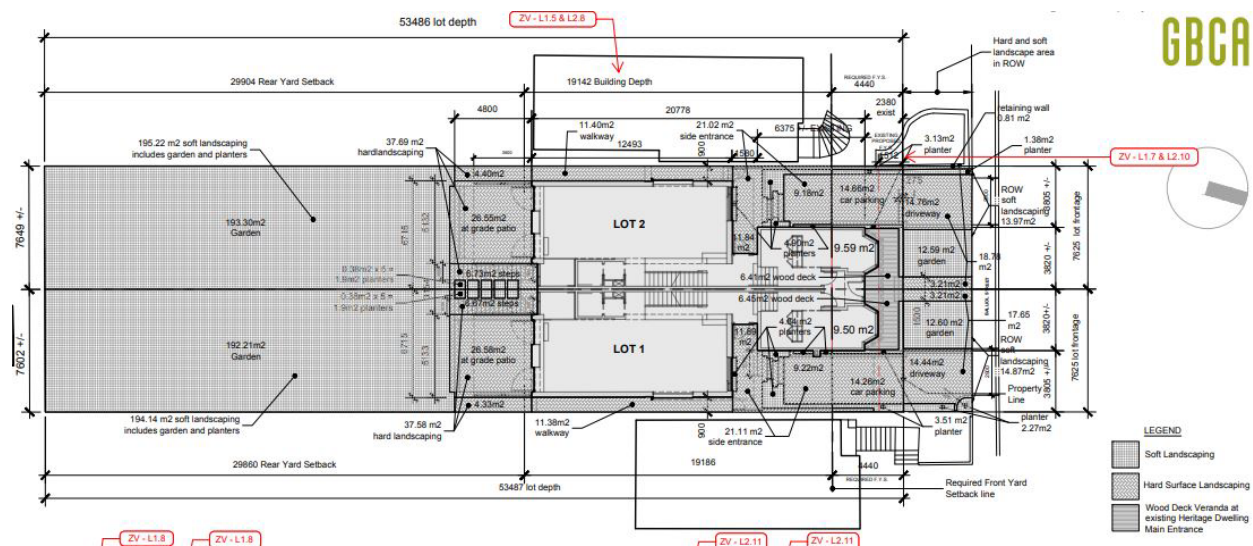
The north and east elevations of 505 Balliol Street (City of Toronto, 2017)



Contextual view of 505 Balliol Street (City of Toronto, 2017)



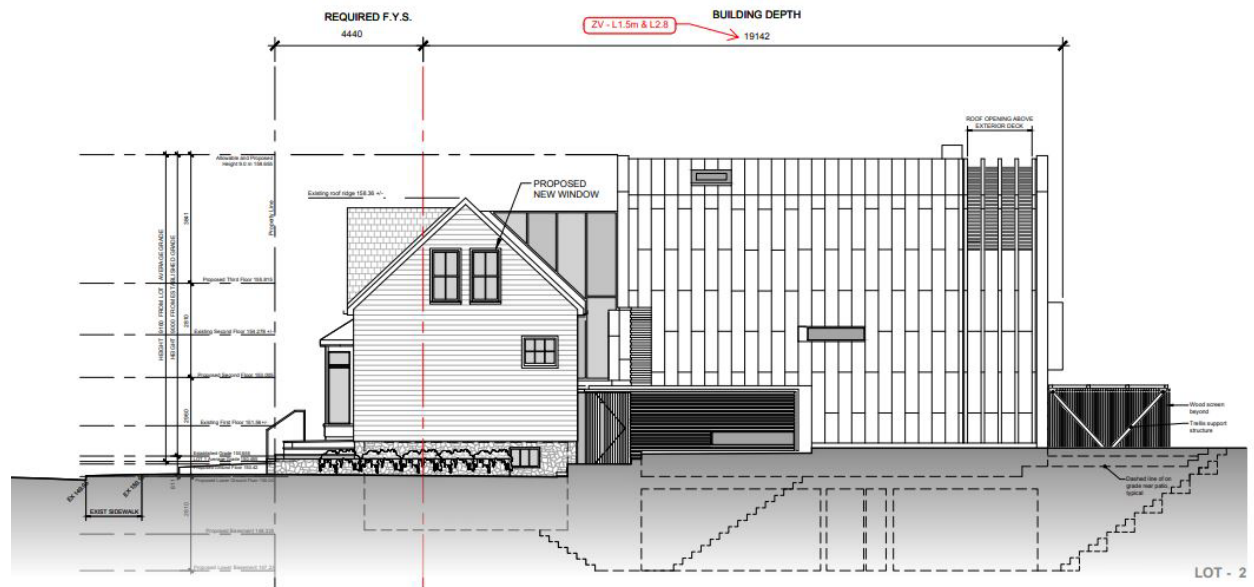
Site Plan and Relocation Diagram (GBCA Architects)



Landscape Plan (GBCA Architects)



Front Elevation (GBCA Architects)



Side Elevation (GBCA Architects)