

79 and 81 Granby Street - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection

Date: September 12, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 12 - Toronto – St. Paul's

SUMMARY

This report recommends that City Council affirm its decision of July 19, 20, 21, and 22, 2022, (PH35.11) stating its intention to designate the properties at 79 and 81 Granby Street (the subject properties) under Part IV, Section 29 of the Ontario Heritage Act (The Act). The City has received an objection to the notice of intention to designate on behalf of AIMCo Realty Advisors.

The subject properties are located on the south side of Granby Street, between Church and Yonge Street.

Staff have reviewed the objections raised on behalf of AIMCo Realty Advisors LP and remain of the opinion that these properties hold cultural heritage value or interest.

The properties meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act under all three categories of design and physical, historical and associative, and contextual values. As the properties have cultural heritage value or interest and meet the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, staff are of the opinion that these properties should be designated. Designation enables City Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

In June 2019, the More Homes, More Choice Act, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the Ontario Heritage Act which included amendments to the listing and designation processes. The Bill 108 Amendments to the Act came into force on July 1, 2021.

City Council has until November 23, 2022, 90 days from the date of the end of the objection period, to make a decision on this objection as per the timeline under the Act.

RECOMMENDATIONS

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

1. City Council affirm its decision to state its intention to designate the properties at 79 Granby Street and 81 Granby Street under Part IV, Section 29 of the Ontario Heritage Act as set out in City Council Decision Item PH35.11 on July 19, 20, 21 and 22, 2022.
2. City Council authorize the City Solicitor to introduce the bill in City Council designating the properties at 79 Granby Street and 81 Granby Street under Part IV, Section 29 of the Ontario Heritage Act.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 19, 20, 21, and 22, 2022, City Council adopted a report from the Chief Planner and Executive Director, "79 and 81 Granby Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act" (PH35.11) and stated its intention to designate the properties at 79 Granby Street and 81 Granby Street under Part IV, Section 29 of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH35.11>

BACKGROUND

City Council has stated its intention to designate the subject properties under Part IV, Section 29 of the Ontario Heritage Act. A notice of intention to designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on August 25, 2022.

The City Clerk received a notice of objection on behalf of the properties' owners within the required timeframe set out in the Act. The Act requires that City Council consider and make a decision on an objection within 90 days from the end of the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate. City Council has until November 23, 2022 to make a decision on the objection.

COMMENTS

Staff have reviewed the notice of objection dated August 16, 2022 and prepared by Goodmans LLP. A copy of the notice of objection is included as Attachment 1 to this report. The owner objects to the intention to designate and asks that it be withdrawn in part because the recommendations are inconsistent with earlier findings of staff that the subject properties did not merit inclusion on the City's Heritage Register, that the Heritage Impact Assessment submitted in support of a Planning Act application for the subject properties contends that the properties have lost their design value, and because the appropriate approach to conservation of the Site should be determined as part of the Planning Act applications.

Staff have re-examined the Statement of Significance (Reasons for Designation) for the properties at 79 and 81 Granby Street and remain of the opinion that the properties meet the criteria prescribed by Ontario Regulation 9/06 of the Act. As described in the June 8, 2022 report from the Chief Planner and Executive Director, while staff originally concluded that the subject properties did not merit inclusion on the City's Heritage Register, in 2021 staff uncovered new and relevant information while undertaking a review of the research and evaluation undertaken for these properties at the direction of Toronto and East York Community Council. Through an analysis of this new information staff determined that the properties do meet the criteria.

As described in the June 8, 2022 report from the Chief Planner and Executive Director, staff acknowledge that the subject properties have been altered over time. However, staff are confident that despite these alterations the properties have design value and that they retain their heritage integrity.

The Ontario Heritage Act (OHA) prescribes the process of designation of a property under Part IV of the OHA. The OHA also prescribes criteria under O. Reg 9/06 required to be evaluated to determine whether a property has cultural heritage value or interest and therefore should be recommended for designation under the OHA. Planning Act applications do not determine the cultural heritage value or interest of a heritage property nor are they included in criteria for the evaluation or determination of cultural heritage value. Instead, Planning Act applications are to be informed by the designation by-laws and cultural heritage value or interest determined under the OHA such that a determination can be made whether the level of intervention and conservation proposed for a designated property is appropriate. To reach this understanding, it is necessary to first understand the cultural heritage value of a property prior to planning for change and considering interventions to the heritage property.

The sequential approach described above is consistent with the Standards and Guidelines for Historic Places in Canada and is also consistent with the intent of the changes to the Provincial Policy Statement (2020), which clarify that determination of the cultural heritage value of a property, in accordance with the OHA, should be undertaken prior to the application of heritage conservation policies to a particular planning application. Likewise, recent changes to the Ontario Heritage Act through Bill 108 requires that municipalities designate properties with cultural heritage value or interest within 90 days of the clerk issuing a notice of complete application for the

planning application. The appropriateness of proposed interventions to a heritage property within the planning process is then determined through an alteration or demolition application under s. 33 and s. 34 of the OHA. Whether a related planning application will conserve a heritage property is not a consideration or a determination to be made within the context of a designation by-law.

The subject properties are included in an Official Plan Amendment and Zoning By-law Amendment application (21 125701 STE 13 OZ) currently under consideration by the City. The existing heritage buildings at 79-81 Granby Street are proposed to be demolished. However, the Heritage Impact Assessment submitted in support of the application also includes alternative concepts that partially retain the buildings. Staff are processing these applications and will make recommendations to Council on these applications once this review is complete. Future planning recommendations will include consideration of the conservation of the cultural heritage value and interest of the properties and will be made within the context of the Provincial Policy Statement (2020), the Growth Plan (2020) and the City's Official Plan, which include policies on the conservation of the heritage properties on the development site. The Heritage Impact Assessment submitted in support of the application will be considered as part of this review.

Should Council affirm its intention to designate, the City Solicitor will introduce a designating by-law to Council under Section 29 of the Act. Once Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the Act, an appeal may be made to the Ontario Land Tribunal in accordance with the Act. Through an appeal under Section 29 of the Ontario Heritage Act, there is an opportunity for the heritage attributes to be modified through the appeals process, should the Tribunal deem it appropriate. The Ontario Land Tribunal Decision is binding.

As the notice of intention to designate has been given, and Council affirms its decision and passes the designation by-law, the owner can bring an alteration or demolition application under s. 33 and s. 34 of the OHA, which is the appropriate forum to determine whether a development proposal appropriately conserves the heritage attributes of a designated property.

CONCLUSION

The properties at 79 and 81 Granby Street meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, under all three categories of design/physical, historical/associative, and contextual values. As such, despite the notice of objection, these properties should be designated.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Letter of Objection – 79 and 81 Granby Street
Attachment 2 - Statement of Significance (Reasons for Designation) – 79 and 81 Granby Street

**79 AND 81 GRANBY STREET
STATEMENT OF SIGNIFICANCE
(REASONS FOR DESIGNATION)**

ATTACHMENT 2

The properties at 79 and 81 Granby Street are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, associative and contextual value.

Description

Located on the south side of Granby Street, between Church and Yonge streets in the McGill-Granby Village community, the two semi-detached residential properties at 79 and 81 Granby Street were built together in 1891.

The properties were included together on the City of Toronto's Heritage Register on June 8, 2021.

Statement of Cultural Heritage Value

Physical and Design Value

The pair are valued as a representative example of semi-detached Victorian-era dwellings whose design is typical of the Bay-n-Gable style with their 2.5-storey form and massing organized vertically on the principal (north) elevation into two bays, the outer one surmounted by a steep gable containing wooden detailing with the wide bargeboards and scalloped shingling. Richardsonian Romanesque design influence is evident in the surviving round-arched brick window opening on the first floor at 81 Granby and the (currently missing) round-arched, red brick entryway spanning the main entrance to both properties.

Historical and Associative Value

The pair are also valued for their historic association with local merchant and real estate developer, Robert Kidney, who was responsible for their construction and was their original owner as well as the three adjacent, mixed-use buildings at 414-418 Church Street that are already included on the City's Heritage Register. All five properties were purchased by Kidney in 1890 and the existing group of brick structures were completed the following year.

Contextual Value

The properties at 79 and 81 Granby Street (standing between the adjacent Heritage Register properties at 414-418 Church Street to the east and 77 Granby Street to the west), together anchor the southwest corner of Church and Granby streets visually, physically and historically, where they embody a surviving collection of late-19th century buildings representative of an early period of land development in the Granby-McGill community.

Heritage Attributes

The Heritage Attributes of the properties at 79 and 81 Granby Street are:

- The setback, placement and orientation of the semi-detached buildings on their lot on the south side of Granby Street west of Church Street
- The scale, form and massing of the 2.5-storey rectangular plan
- The materials, with the red brick cladding (currently stuccoed at 79 Granby Street) and the brick, stone and wood detailing
- The mirrored gable roofline with its decorative shingling and wooden bargeboards in the gables on the principal (north) elevation
- The principal (north) elevation of the semi-detached buildings, which is vertically organized into two mirrored bays with centred main entrances and roof gables in the outer bays
- The organization of the window openings on the principal (north) elevation (N.B. the original round-arched opening seen at 81 Granby Street is currently flat-headed at 79 Granby Street and would be preferable if returned to its original state)
- The brick and stone detailing with the raised brick string courses at the first and second storeys the corbelled hood moulds above the second storey window openings (at 81 Granby Street) and all existing rough-hewn stone sills The organization of the main entrances, centred at the first-storey level (N.B. the shared, round-arched, brick entryway spanning the main entrances at 79-81 Granby Street has been replaced with a shared flat-headed opening and would be preferable if returned to its original state)