

18 Portland Street - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objection

Date: December 6, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 10 - Spadina-Fort York

SUMMARY

This report recommends that City Council affirm its decision of September 28, 2022 (CC50.10) stating its intention to designate the property at 18 Portland Street (the subject property) 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 Davies Howe Land Development Advocacy & Litigation within the statutory timeline.

The subject property is located on the west side of Portland Street directly south of Niagara Street within the King-Spadina Secondary Plan area.

Staff have reviewed the objections on behalf of Davies Howe Land Development Advocacy & Litigation and remain of the opinion that this property holds cultural heritage value or interest.

The property meets 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 property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, staff are of the opinion that the property 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. City Council has until January 31, 2023, 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.

The subject property is included in a Zoning By-law Amendment application (21 232793 STE 10 OZ) and Official Plan Amendment application (22 151499 STE 10 OZ) currently

under appeal to the Ontario Land Tribunal. The subject property is proposed to be demolished as part of these applications.

RECOMMENDATIONS

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

1. City Council affirm its decision to state its intention to designate the property at 18 Portland Street under Part IV, Section 29 of the Ontario Heritage Act as set out in City Council Decision Item CC50.10 on September 28, 2022.
2. City Council authorize the City Solicitor to introduce the necessary bills in City Council designating the property at 18 Portland 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 September 28, 2022, City Council adopted CC50.10 and stated its intention to designate the property at 18 Portland Street under Part IV, Section 29 of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC50.10>

BACKGROUND

City Council has stated its intention to designate the subject property 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 November 2, 2022. The City Clerk received a notice of objection on behalf of Davies Howe Land Development Advocacy & Litigation 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 January 31, 2023 to make a decision on the objection.

Should Council affirm its intention to designate, any matter related to the alteration or demolition of the building on the subject property will come before Council for consideration at a future meeting following the process set out in the Act.

COMMENTS

Staff have reviewed the notice of objection dated November 2, 2022 as prepared by Davies Howe Land Development Advocacy & Litigation. A copy of the notice of objection is included as Attachment 1 to this report. The objector has asked that Council withdraw its intention to designate in part because in their opinion the process leading to Council issuing the Notices was flawed; their client did not have an adequate opportunity to review the proposed heritage attributes in advance of Council's decision.

Furthermore, the objector objects to the Reasons for Designation for the subject property. Specifically, the objector cites the use of what they identify as "vague" language within the report in reference to certain details pertaining to the "Design and Physical Value" of the subject property.

The Act prescribes the content and process that Council must follow when serving notice of its intention to designate a property under Section 29 of the Act. Staff have reviewed the process that led to Council serving notice. There is no requirement to notify the property owner in advance of Council stating its notice of intention to designate any property under Part IV, Section 29 of the Act. The City typically exceeds the requirements of the Act by advising property owners in advance of meetings where staff may be recommending that a property be designated. With the new prescribed timelines under the Act, advanced notice is not always possible. Staff are satisfied that the process Council followed in order to serve its intention to designate the subject property meets the requirements of the Act.

The notice of objection also asserts that the City has been delayed and did not take any action to seek designation of the property since submission of the Zoning By-law and Subdivision Applications. This statement is false and misleading. The applicant provided the City with an extension of time that allowed the City additional time under the Act to designate the property under Section 29 of the Act with respect of those two applications under the Planning Act. The City is in possession of a time extension waiver signed and dated December 9, 2021.

Following a subsequent Official Plan Amendment application, O. Reg 385/21 and s. 29(1.2) of the Act contemplates that a time period commences again under the Act for the prescribed event. No further waiver was provided by the applicant, therefore City staff proceeded to recommend designation within the prescribed time period as it pertains to the prescribed event triggered by the Official Plan Amendment application.

The notice of objection also asserts that designation of a property under Part IV of the Act is not required to ensure that the cultural heritage values of a property are conserved through a redevelopment. The Act prescribes the process of designation of a property under Part IV of the Act. The Act 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 Act.

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 Act 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 Provincial Policy Statement (2020), which clarify that determination of the cultural heritage value should be undertaken prior to the application of heritage conservation policies to a particular planning application. Likewise, recent changes to the 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, unless the timeline is extended or waived by the applicant. The appropriateness of proposed interventions to a heritage property within the planning process are then determined through an alteration or demolition application under s. 33 and s. 34 of the Act. 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 property is included in a Zoning By-law Amendment application (21 232793 STE 10 OZ) and Official Plan Amendment application (22 151499 STE 10 OZ) currently under appeal to the Ontario Land Tribunal. The subject property is proposed to be demolished as part of these applications. On October 31, 2022, the City of Toronto received applications to demolish the property at 18 Portland Street under Section 34 of the Act, which are currently being reviewed for a determination of completeness.

Staff have re-examined the Statement of Significance (Reasons for Designation) for the property at 18 Portland Street and remain of the opinion that the Statement of Cultural Heritage Value and the Heritage Attributes appropriately describe the cultural heritage value or interest of the property as it relates to the criteria prescribed by Ontario Regulation 9/06 of the Act. This includes references to all and any specific details under the heading of "Design and Physical Value" in relation to the subject property. Staff do not recommend revisions to this statement to provide additional specificity.

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. The Ontario Land Tribunal Decision is binding.

CONCLUSION

Staff are satisfied that the process Council followed in order to serve its intention to designate the property at 18 Portland Street meets the requirements of the Act.

The property at 18 Portland Street meets 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, staff continue to recommend that these properties be designated.

CONTACT

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SIGNATURE

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City Planning

ATTACHMENTS

Attachment 1 - Letter of Objection - 18 Portland Street
Attachment 2 - Statement of Significance (Reasons for Designation): 18 Portland Street
Attachment 3 - Photograph - 18 Portland Street

18 PORTLAND STREET**(REASONS FOR DESIGNATION)**

The property at 18 Portland Street is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the categories of design/physical, historical/associative, and contextual values.

Description

The subject property at 18 Portland Street is located near the southeast corner of Niagara Street and Portland Street just south of Victoria Memorial Square within the King-Spadina neighbourhood. The former Toronto Hydro-Electric Systems Ltd. substation at 18 Portland Street, or Portland Substation, was designed in 1924-25 by the public utility's in-house architect Albert E. Salisbury (1887-1955) and completed in 1925. Similar to others in a collection of more than twenty substations designed by Salisbury between 1921 and 1950, the Portland Substation was designed in the Beaux-Arts tradition and features Edwardian Classical influences. Within that collection, it is recognizable as a two-storey, brick, factory/warehouse type building as well as for its metal entablature and sign band.

Design and Physical Value

18 Portland Street holds significant design value as a representative example of a 1920s-era Toronto Hydro-Electric Systems Ltd. substation in the Beaux-Arts style with Edwardian Classical influences. Distinctive features include the two-storey scale, form and massing of the property, its common bond brick exterior with decorative stone detailing, fenestration openings with stone sills and multi-paned, metal factory type windows, terracotta coping along the parapet of the flat roof, and the metal entablature containing the name band sign reading: "TORONTO HYDRO-ELECTRIC SYSTEM." The sign band held within the metal entablature is composed of projecting, stamped, metal lettering with distinctive font common to other contemporary Toronto Hydro-Electric Systems Ltd. substations.

The principal (east) elevation, true to the principles of the Beaux-Arts tradition, features a largely symmetrical façade, its two-over-two configuration composed by the pairings of the first-storey window and principal entryway and the two second-storey windows above.

Historical and Associative Value

The Portland Substation at 18 Portland Street holds significant historical value for its century-long association with Toronto Hydro-Electric Systems Ltd. The Portland Substation forms part of the public utility's collection of early twentieth-century substations which were built across the city following its formation in 1911. This historical association is clearly expressed by the metal entablature and name band sign,

with its distinctive typecast, identifying Toronto Hydro-Electric Systems Ltd. and referencing its former use.

The Portland Substation also holds significant associative value as a reflection of the work of architect Albert E. Salisbury (1887-1955), who designed more than twenty substations between 1921 and 1950 as Toronto Hydro-Electric Systems Ltd.'s Supervisor of Architecture. Salisbury is considered an architect of significance to Toronto's early twentieth-century history. The Portland Substation is architecturally similar to others designed by Salisbury in the 1920s and 1930s, including its near-twin at 281 Cherry Street. It is representative of Salisbury's expressive use of the Beaux-Arts tradition, adapted with Edwardian Classical influences.

Contextual Value

18 Portland Street has significant contextual value related to its importance in maintaining and supporting the early twentieth-century industrial character of the King-Spadina neighbourhood. Built within an industrial setting as the face of the public utility, the substation's Edwardian Classical details bring further contextual value to the property both for its association with the larger network of substations across the city and for its connection to its immediate surroundings. Featuring red-brick masonry, fenestration openings with stone sills and multi-light, metal, factory type windows, terracotta coping, metal entablature with name band, and symmetrical façade, the two-storey Portland Substation is visually linked to nearby former-industrial buildings, including the Copp Clark Publishing Co complex at 517 Wellington Street West.

Additionally, the Portland Substation is functionally and historically linked to its surroundings as a structure that was built in 1925 to support the increasing electric power requirements of the King-Spadina neighbourhood.

Heritage Attributes

Design and Physical Value

Attributes that contribute to the design and physical cultural heritage value of the Portland Substation at 18 Portland Street:

- The scale, form, and massing, of the two-storey, early twentieth-century, factory/warehouse type building expressive of the Beaux-Arts tradition with Edwardian Classical influences
- The property's material palette, consisting of a common bond brick exterior with stone detailing
- The symmetrical façade of the principal (east) elevation with its two-over-two configuration created by the pairing of the window and principal entryway (since altered) at street level and the two second-storey windows above
- The factory type, metal windows on the first and second floors of the principal (east) elevation and side (south) elevation with stone sills and brick headers
- The terracotta tile coping on the parapet of the flat roof.

- The metal entablature on the principal (east) elevation with sign band reading: "TORONTO HYDRO-ELECTRIC SYSTEM," supported by slightly projecting brick pilasters at the north and south edges of the facade
- The sign band's projecting, stamped, metal lettering with distinctive font common to other contemporary Toronto Hydro-Electric Systems Ltd. substations
- The decorative, rectilinear courses of brick stretchers and headers which frame the façade of the principal (east) elevation

Associative and Historical Value

The following attributes contribute to the associative and historical cultural heritage value of the Portland Substation at 18 Portland Street as a representative work of architect Albert E. Salisbury's (1887-1955) portfolio, spanning from 1921 to 1950, as an important element of the Toronto Hydro-Electric Systems early city-wide infrastructure:

- The former Portland Substation's defining Beaux-Arts styling with Edwardian Classical influences, including the symmetrical principal (east) façade with its red-brick exterior with stone detailing, fenestration openings, and flat roof with terracotta coping
- The metal entablature with sign band reading: "TORONTO HYDRO-ELECTRIC SYSTEM"

Contextual Value

The following attributes contribute to the contextual cultural heritage value of the Portland Toronto Hydro-Electric Substation at 18 Portland Street:

- The property's Beaux-Arts styling with Edwardian Classical influences, including its material palette of brick with stone detailing, that supports and maintains an understanding of the historic industrial character of the King-Spadina neighbourhood.
- The metal entablature with sign band identifying the building as an electrical substation that distributed a vital source of energy to the surrounding industrial area



18 Portland Street. Principal (east) elevation. Heritage Planning, 2022.