

## **127 Strachan Avenue - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection**

Date: March 20, 2023

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 10 - Spadina-Fort York

### **SUMMARY**

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This report recommends that City Council affirm its decision of December 14, 2022 (Item CC2.16) stating its intention to designate the property at 127 Strachan Avenue 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 the property owner within the statutory timeline.

The property at 127 Strachan Avenue is located in Toronto's West Queen West neighbourhood, prominently situated on the southeast corner of Strachan Avenue and Adelaide Street West. It contains a three-storey mixed-use commercial building that dates to 1878, with a one-storey rear wing original to the building and a rear addition constructed at a later date. In 1999, alterations to the building resulted in a reconfiguration of the storefront. The building was originally constructed as a grocery for John H. Meyer, a former hotel proprietor, to support the surrounding working-class neighbourhood. It continued to operate primarily as a grocery until the 1950s. More recently, it has served as a restaurant with a popular summer patio on the north side of the building.

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 April 18, 2023, which is 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.

Staff have reviewed the objections raised on behalf of the owner and remain of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the 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 Act, staff are of the opinion that this property should be designated. Designation enables City Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

## **RECOMMENDATIONS**

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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 127 Strachan Avenue under Part IV, Section 29 of the Ontario Heritage Act as set out in City Council Decision Item CC2.16 on December 14, 2022.
2. City Council authorize the City Solicitor to introduce the bill in City Council designating the property at 127 Strachan Avenue under Part IV, Section 29 of the Ontario Heritage Act.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On December 14, 2022, City Council adopted a report from the Chief Planner and Executive Director, "127 Strachan Avenue - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act" (CC2.16) and stated its intention to designate the property at 127 Strachan Avenue under Part IV, Section 29 of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.16>

## **BACKGROUND**

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City Council has stated its intention to designate the subject property under Part IV, Section 29 of the Act. A notice of intention to designate was served on the property owner and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on January 18, 2023.

The City Clerk received a notice of objection on behalf of the property owner 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 April 18, 2023 to make a decision on the objection.

## **COMMENTS**

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Staff have reviewed the notice of objection dated January 18, 2023 and prepared by McCarthy Tétrault LLP. A copy of the notice of objection is included as Attachment 1 to this report. Within this letter the owners outline a number of reasons for their objection, all of which primarily relate to the inclusion of the rear wing as a heritage attribute.

The Statement of Significance (Reasons for Designation) adopted by Council as part of Item CC2.16 is appended to this report as Attachment 2.

The subject property is included in Official Plan Amendment, Zoning Amendment, and Site Plan Control applications, which propose the retention of the primary structure at 127 Strachan Avenue and the demolition of the rear one-storey wing and addition. The planning applications are currently under appeal to the Ontario Land Tribunal.

The objector is concerned the Statement of Significance as written, which includes the one-storey rear wing in the heritage attributes, does not reflect the position previously taken by City Planning Staff, and is of the opinion that the description of cultural heritage value and the heritage attributes as written introduce uncertainty into the application process by potentially limiting the ability of City staff to be flexible in their approach to negotiations related to the proposed redevelopment with the Owner.

The Ontario Heritage Act prescribes the process of designation of a property and provides for the alteration of a heritage 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. In other words, the designation of a property under Part IV of the Ontario Heritage Act does not reflect the future state of a property with respect to any specific development application. Following designation, the appropriateness of any proposed intervention to a heritage property is determined through an alteration or demolition application under s. 33 and s. 34 of the Act.

The distinction between a designation made under s. 29 and the alteration and demolition process under s. 33 and s. 34 of the Act are conflated by the applicant in their objection notice. A designation by-law is not tailor made to a specific development application. The "tailor made" process to support a development application is considered and determined through the s. 33 and s. 34 permits. If the development

does not proceed for any given reason after approval, the s. 33 and s. 34 permits under the Act would no longer be valid as it does not authorize any form of development, but a specific form of development that had been authorized under the Planning Act.

In addition, Bill 108 changed Council procedures and processes related to s. 34 of the Act after demolition has occurred and the new building and/or addition has been constructed. Subsequent to a demolition of a heritage attribute or a building on a property and the erection of the new building or addition has been constructed and is completed, O. Reg 385/21 under the Act requires the City to review the designation by-law to determine whether any revisions are required. Council would make this determination after the construction is complete. If no changes are required, Council is not required to amend the by-law. If changes are required, Council would amend the by-law in accordance with the process and procedures under O. Reg 385/21.

With respect to the subject property, a staff report addressing the alteration and demolition will be brought forward to the Toronto Preservation Board and subsequent City Council meeting with respect to the proposed interventions related to the site-specific development application.

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 Act, should be undertaken prior to the application of heritage conservation policies to a particular planning application.

Further, the objector is not clear how the one-storey rear wing is "representative of the Second Empire style". As written, the Statement of Significance states that the heritage attributes that relate to the property's design and physical value are not only a reflection of the architectural style, but also the property's typology as a purpose-built mixed-use property within a residential enclave. The one-storey rear wing is included because its physical features support the identified stylistic and typological character. It shares the same segmental arched windows as the primary structure, which are characteristic of the Second Empire style. Heritage Planning staff are also of the opinion that the one-storey rear wing, which would have been used to support the retail use of the property, helps to differentiate the building and its commercial nature from the surrounding residential properties.

The objector notes that the one-storey rear wing is not identified as a Heritage Attribute under the categories of either Historical and Associative value or contextual value. Further, the objector is of the opinion that the portion of the property that best contributes to the context of the low-rise residential streetscape is the three-storey scale and massing of the primary structure. To clarify, Heritage Planning staff also share this opinion, which is the reason the one-storey rear wing was not identified as an attribute under the criteria of contextual value. Similarly, the one-storey rear wing was not identified to be significant in contributing to the understanding of the property as a representative example of the work of architect David Brash Dick under the criteria of Historical and Associative value, and was therefore not included as a Heritage Attribute within this criteria either. However, as described in the prior report, and as briefly

outlined here, staff are of the opinion that the one-storey rear wing addition does have design and physical value and is therefore identified as a heritage attribute in this regard.

Finally, the objector questions the merits of including the gable roof on the rear wing and the building materials as identified as Heritage Attributes, given that they are not atypical or unique among building construction Ontario. Irrespective of their ubiquity, building materials and roof styles contribute significantly to the appearance and value of a heritage property. Staff have re-examined the Statement of Significance (Reasons for Designation) for the property at 127 Strachan Avenue and remain of the opinion that the extent of the Statement of Cultural Heritage Value and the Heritage Attributes appropriately describe the cultural heritage value or interest of this property as it relates to the criteria prescribed by Ontario Regulation 9/06 of the Act. Staff do not recommend revisions to the extent of this statement.

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**

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The property at 127 Strachan Avenue 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, this property should be designated.

## **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 – Letter of Objection – 127 Strachan Avenue

Attachment 2 - Statement of Significance (Reasons for Designation) – 127 Strachan Avenue

Attachment 3 - Photograph

**127 STRACHAN AVENUE**  
**STATEMENT OF SIGNIFICANCE**  
**(REASONS FOR DESIGNATION)**

**ATTACHMENT 2**

The property at 127 Strachan Avenue, 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 value.

**Description**

The property at 127 Strachan Avenue is located in Toronto's West Queen West neighbourhood, prominently situated on the southeast corner of Strachan Avenue and Adelaide Street West. It contains a three storey mixed-use commercial building that dates to 1878. In 1999, alterations to the building resulted in a reconfiguration of the storefront. The building was originally constructed as a grocery for John H. Meyer, a former hotel proprietor, to support the surrounding working-class neighbourhood. It continued to operate primarily as a grocery until the 1950s. More recently, it has served as a restaurant with a popular summer patio on the north side of the building.

**Statement of Cultural Heritage Value**

Constructed in 1878, the property at 127 Strachan Avenue has design and physical value as a representative example of the Second Empire architectural style that was popular in many prominent commercial, public, and residential buildings in Toronto from 1860 to 1900. The property retains its original scale, form, and massing as a three-storey building with a one-storey rear wing, and its design value as a representative example of the Second Empire style is reflected in many of its extant original features, including its brick construction with ornamental brick, wood, and stone details, segmental-arched windows on the north and west elevations, mansard roof supported by a bracketed cornice, and round-arched dormers. Although altered and presently overclad, the building also retains the distinguishing feature of a commercial storefront at grade, differentiating this building from the surrounding residential properties.

The subject property at 127 Strachan Avenue is valued for its association with the architect David Brash Dick (1846-1925). With architectural drawings dating to 1877, it is one of the earliest recorded buildings he designed as the sole contributing architect. During his career, Dick established himself as the architect of choice for several prominent clients including the Consumers' Gas Company and the University of Toronto, and is a recipient of the Ontario Association of Architects' Honor Roll, which is only bestowed upon those who have made a significant contribution to the province's architectural heritage, either through their body of work or their influence in the wider community of design, education, and/or publication.

Contextually, the building at 127 Strachan Avenue supports and maintains the historic character of the working-class neighbourhood that developed in the late 19th century and thrived due to the proximity of several large industrial complexes established near the railway. The property's materiality, scale and massing contribute to the low-rise

residential streetscape, which has been reinforced through the introduction of several compatible infill projects along Strachan Avenue.

The building at 127 Strachan Avenue is also historically, visually and physically linked to its setting, anchoring the southeast corner of Strachan Avenue and Adelaide Street West. The property was one of the last buildings to be erected as part of the initial build-out of the neighbourhood in the 1870s, and was centrally located within the residential enclave on a prominent corner site. Relative to the surrounding house-form buildings, the larger scale and higher-quality materials used in its design and construction are indications of the commercial nature of the property and its important role in serving the local residential community.

## **Heritage Attributes**

### **Design or Physical Value**

The following heritage attributes contribute to the cultural heritage value of the property at 127 Strachan Avenue as a representative example of a Second Empire, purpose-built mixed-use property within a residential enclave:

- The scale, form, massing, and rectangular-shaped plan of the property as a three-storey building with one-storey rear wing
- The mansard roof with the extended parapet firewalls on the south and east ends, supported by a cornice featuring ornamental brackets, and gable roof on the rear wing
- The materials, with the brick masonry construction featuring stone, brick and wood detailing (the masonry has been painted)
- The round-arched dormers with the wood detailing and brackets on the west and north slopes of the mansard roof
- The brick chimney that projects from the north slope of the mansard roof
- The vertically-oriented, segmental-arched window openings on the west and north elevations, with stone sills and overhanging brick hoods
- A ground floor storefront featuring an increased proportion of glazing compared to the upper stories
- The location of the entrance to the upper floors on the south side of the Strachan Avenue (west) elevation

### **Historical or Associative Value**

The following heritage attributes contribute to the cultural heritage value of the property at 127 Strachan Avenue as a representative example of the work of architect David Brash Dick:

- The scale, form, and massing of the property as a three storey building with a rectangular-shaped plan
- The subject property's architectural detailing in the Second Empire style, which is demonstrative of the architect's versatility

### **Contextual Value**

Attributes that contribute to the cultural heritage value of the property at 127 Strachan Avenue as defining, supporting and maintaining the historic character of the area and being historically, visually, functionally and physically linked to its setting:



- The setback, placement and orientation of the building prominently anchoring the southeast corner of Strachan Avenue and Adelaide Street West, with its principal elevation fronting Strachan Avenue
- The scale, form, and massing of the property as a three storey building with a rectangular-shaped plan
- The property's material palette, consisting of brick with wood and stone detailing
- The subject property's architectural detailing in the Second Empire style, which was popular for residential and commercial properties during the period in which the surrounding working-class neighbourhood was built up
- A storefront and entrance to the upper floors on the Strachan Avenue (west) elevation

Note: The concrete block rear addition is not considered a heritage attribute

**PHOTOGRAPH**  
**127 STRACHAN AVENUE**

**ATTACHMENT 3**



View of the property at 127 Strachan Avenue looking southeast (Heritage Planning, 2022)