

Alterations to Designated Properties at 212, 214 and 220 King Street West and Authority to Enter into Heritage Easement Agreements

Date: March 9, 2023

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 10 - Spadina - Fort York

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation.

SUMMARY

The purpose of this report is to seek instruction with respect to the designated properties at 212, 214, and 220 King Street West (the "Site"). Official Plan and Zoning By-law Amendment applications for the Site have been appealed to the Ontario Land Tribunal ("OLT") and a 10-day hearing has been scheduled commencing on April 24, 2023.

The City Solicitor requires further directions on this matter no later than the completion of the City Council meeting which starts on March 29, 2023.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.

2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. Confidential Appendix 1 and Confidential Appendix 2.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

City Council included the property at 212 King Street West on the City of Toronto's Heritage Register on June 20, 1973.

City Council included the property at 220 King Street West on the City of Toronto's Heritage Register on May 28, 1984.

On February 6, 1986 a Heritage Easement Agreement was registered for the property at 214 King Street West.

On November 20, 2007 City Council enacted By-law 1230-2007 which designated the property at 214 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*.
<https://www.toronto.ca/legdocs/bylaws/2007/law1230.pdf>

On September 22, 2011 City Council enacted By-law 1146-2011 which designated the property at 212 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*.
<https://www.toronto.ca/legdocs/bylaws/2011/law1146.pdf>

On September 22, 2011 City Council enacted By-law 1147-2011 which designated the property at 220 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*.
<https://www.toronto.ca/legdocs/bylaws/2011/law1147.pdf>

At its meeting of October 2, 2012, City Council adopted TE18.18, authorizing the study of the King-Spadina neighbourhood as a potential Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act*.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.18>

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At its meeting of October 2, 2017, City Council adopted TE26.14 thereby designating the King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act* as the district plan for the King-Spadina Heritage Conservation District. The properties at 212-220 King Street West are identified as contributing heritage properties in the King-Spadina HCD Plan. This plan is not currently in force and effect as it is the subject of appeal(s).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

BACKGROUND

Site/Heritage Property

The subject properties are located on the north side of King Street West at its intersection with Simcoe Street and back onto Pearl Street. They are situated opposite Roy Thompson Hall and are all within the King Spadina Heritage Conservation District, which is the subject of an appeal and is therefore not yet in force and effect.

The subject properties include three heritage buildings that are designated under Part IV of the *Ontario Heritage Act* (see further details below).

The subject property is adjacent to the following heritage properties:

- Roy Thompson Hall, 60 Simcoe Street - designated under S.29, Part IV of the *Ontario Heritage Act*. Built in 1982 and designed by Arthur Erickson in association with Mathers and Haldenby, architects.
- St. Andrew's Presbyterian Church, 75 Simcoe Street - designated under S.29, Part IV of the *Ontario Heritage Act*. Built in 1875 to a designed by William Storm and altered in 1907 by Curry, Sproat & Rolph.
- 100 Simcoe Street - designated under S.29, Part IV of the *Ontario Heritage Act* and within the King-Spadina HCD. Built in 1904 as a warehouse for the engraving and lithography firm Rolph and Clark Limited.

Cultural Heritage Value

The subject properties include three designated heritage buildings (the Union Building at 212 King Street West, the Canadian General Electric Building at 214 King Street West and the Nicholls Building at 220 King Street West). These buildings support the character of the King-Spadina area, where most of the buildings along the north side of King Street West, west of Simcoe Street, are recognized on the City's heritage inventory. They are among the earliest warehouses constructed on Russell Square, the former Upper Canada College campus on King Street West, west of Simcoe Street and help to mark the transition of the area from an institutional setting to an industrial precinct.

The Union Building, 212 King Street West

The Union Building is a six-storey building that was built in 1907/1908 as an office and warehouse for the Canadian General Electric Company and designed by the notable Toronto architects Darling and Pearson. It has richly embellished Edwardian Classical styling with terra cotta finishes, a handsome entrance portico and monumental cornice.

The Union Building anchors the east end of a group of surviving early 20th century warehouses that share a complementary scale and appearance, most often with Edwardian Classical detailing.

The Canadian General Electric Building, 214 King Street West

The Canadian General Electric Building is a six-storey building that was built in two phases, with the eastern part (214 King) constructed first in 1917, followed by the western half in 1919 that was built in the same design by the architects Burke, Horwood and White. It is a typical example of the tall buildings erected in the King-Spadina neighbourhood that developed as the City's industrial sector after the Great Fire of 1904. Its principal façade is divided horizontally into three parts, with a base, shaft and cornice modeled on a Classical column and includes Classical features that have been applied to add monumentality and organize the oversized window openings.

Nicholls Building - 220 King Street West

The property at 220 King Street was developed by Frederic Nicholls, a publisher, businessman, and politician of national significance in Canada. Nicholls was the general manager of the Canadian General Electric Company, which was founded in the 1890s to manufacture electrical equipment. Nicholls commissioned the building at 220 King Street West in 1910 as the location of Factory Products Limited, a subsidiary of CGE that produced electrical supplies.

The Nicholls Building was designed by the Toronto architectural firm of Denison and Stephenson. It is a well-crafted warehouse that is distinguished by its Edwardian Classical styling and distinctive fenestration.

COMMENTS

The City Solicitor requires further instructions on this matter no later than the completion of the City Council meeting which starts on March 29, 2023.

This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

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City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix 1 - Confidential Information
3. Confidential Appendix 2 - Confidential Information