

## Toronto Preservation Board

<b>Meeting No.</b>	9	<b>Contact</b>	Matthew Green, Committee Administrator
<b>Meeting Date</b>	Tuesday, September 12, 2023	<b>Phone</b>	416-392-4666
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	hertpb@toronto.ca
<b>Location</b>	Video Conference	<b>Chair</b>	Sandra Shaul

PB9.5	ACTION	Adopted		Ward: 13
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### **401 Yonge Street - Alterations to Designated Heritage Property and Authority to Enter into Heritage Easement Agreement**

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege**

#### **Board Decision**

The Toronto Preservation Board recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (September 6, 2023) from the City Solicitor.
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 to the report (September 6, 2023) from the City Solicitor, if adopted by City Council, with the remainder of the Confidential Attachment 1 to the report (September 6, 2023) from the City Solicitor, to remain confidential as it contains advice which is subject to solicitor-client privilege.

#### **Origin**

(September 6, 2023) Report from the City Solicitor

#### **Summary**

At its meeting on September 12, 2023 the Toronto Preservation Board considered Item [PB9.5](#) and made recommendations to City Council.

Summary from the report (September 6, 2023) from the City Solicitor:

The owner appealed its Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") on November 21, 2022. Previous to that appeal, the applicant was made a party to the appeal of the Official Plan Amendment application appeal for the lands municipally known 409-415 Yonge Street, 9 and 17 McGill Street (the "OPA Appeal") on June 28, 2022.

During its meeting of March 29, 30, and 31, 2023, City Council accepted a settlement offer in respect of the OPA Appeal subject to various conditions pursuant to the adoption of Item CC5.22. One such condition was the owner withdraw the appeal of its own zoning by-law amendment application. City Council also directed the Chief Planner and Executive Director, City Planning Division, subject to the withdrawal of the zoning by-law amendment application, to bring forward a draft zoning by-law amendment to implement the development proposal described in the settlement offer.

A further condition of City Council's acceptance of the settlement offer was the owner of 399-405 Yonge Street was to file and seek approval of an application under Section 33 of the Ontario Heritage Act to request the alteration of the heritage property municipally known as 401 Yonge Street on terms and timing such that the alteration application would proceed to the same meeting of City Council at which City Council would consider the draft zoning by-law amendment.

The focus of this report is the owner's application under Section 33 of the Ontario Heritage Act requesting City Council's consent to alterations to 401 Yonge Street. A separate report from Community Planning staff will be prepared and brought forward to City Council in respect of a draft zoning by-law amendment for the purpose of a statutory meeting under section 34 of the Planning Act during its meeting of October 11, 12, and 13, 2023. This report and Community Planning's report will be considered together by City Council at that time.

## **Background Information**

(September 6, 2023) Report from the City Solicitor on 401 Yonge Street - Alterations to Designated Heritage Property and Authority to Enter into Heritage Easement Agreement (<https://www.toronto.ca/legdocs/mmis/2023/pb/bgrd/backgroundfile-239132.pdf>)

Confidential Attachment 1

(September 7, 2023) Letter from Julia Rady, Vice Chair, Toronto Preservation Board (<https://www.toronto.ca/legdocs/mmis/2023/pb/bgrd/backgroundfile-239131.pdf>)

## **Motions**

*Motion to Add New Business at Committee moved by Julia Rady (Carried)*

Vice Chair Julia Rady recommends that:

1. The Toronto Preservation Board introduce and consider the staff report (September 6, 2023) from the City Solicitor, title "401 Yonge Street - Alterations to Designated Heritage Property and Authority to Enter into Heritage Easement Agreement" at its meeting on September 12, 2023.

*Motion to Adopt Item moved by Councillor Gord Perks (Carried)*