

Alterations to Designated Heritage Property at 906 Yonge Street and 25 McMurrich Street under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

Date: May 26, 2023

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On November 8, 2021, Zoning By-law Amendment and Site Plan Control applications were submitted to permit a mixed-use complex with two tall buildings connected by a 2-storey base building. The tall building fronting Yonge Street was proposed to be 33 storeys, containing 213 dwelling units and 75 square metres of grade-related retail space. The tall building fronting McMurrich Street was proposed to be 19-storeys containing 188 dwelling units. The site includes the historic Ridpath building at 906 Yonge Street, which is designated under Part IV of the *Ontario Heritage Act* and included on the City's Heritage Register.

On July 18, 2022, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame in the *Planning Act*.

On May 18, 2023 the applicant submitted a with prejudice settlement offer (the "Settlement Offer") that included an application under Section 33 of the *Ontario Heritage Act* to alter the on-site heritage resource.

The City Solicitor requires further directions for upcoming OLT proceedings relating to the zoning and site plan appeals.

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. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
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

On February 2, 2022, City Council stated its intention to designate the property at 906 Yonge Street (including the entrance address at 908 Yonge Street) under Part IV, Section 29 of the *Ontario Heritage Act*. That recommendation can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PB30.10>

On April 7, 2022 designation by-law 261-2022 was enacted. The designation by-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2022/law0261.pdf>

Related Development Application

On April 21, 2022, a Preliminary Report was adopted by Toronto and East York Community Council and the public was notified of the February 1, 2022, Community Consultation Meeting. The decision of the Toronto and East York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.34>

On February 7, 2023 City Council considered an Appeal Report from Community Planning in which it was recommended that City Council authorize staff to attend the OLT in opposition to the applications as filed. Those recommendations also included direction that no heritage permits be issued until a satisfactory Conservation Plan had been provided and that the owner had entered into a Heritage Easement Agreement

with the City. The recommendations were adopted by Council and the decision can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE2.8>

COMMENTS

The Settlement Offer proposes a revised built form that will be the subject of a separate report to City Council, whereas this report will consider the heritage alteration aspects of the Settlement Offer.

The revised proposal requires permission under Section 33 of the *Ontario Heritage Act* to alter the heritage property at 906 Yonge Street (known as the Ridpath Building), to allow for the construction of two residential towers with retail space at ground floor level. The front of the Ridpath Building is proposed to be retained in situ for a depth of 7.5 metres from the east property line. The ground floor would provide retail space and a residential lobby. The rest of the heritage building beyond the front 7.5 metres would be removed to provide space for the new residential towers.

The proposal seeks to alter the heritage attributes of the designated property at 906 Yonge Street. The application does not seek permission to remove any of the heritage attributes. The conservation strategy for the designated building includes:

- The retention of the heritage building up to a depth of at least 7.5 metres from the front property line.
- The conservation and repair of the steeply-pitched and parapeted side-gabled roof.
- The conservation and repair of the projecting brick chimney.
- The conservation and repair of three symmetrically-arranged front-facing gables with their Tudor Revival style detailing and projecting stone clad piers.
- The conservation and repair of the four wrought iron lanterns at ground level.
- The conservation and repair of the interior heavy beams and columns.
- The conservation and repair of the existing second and third floor windows.
- Retention of the existing second and third floor steel casement window units and the inset smaller leaded lites behind the third-floor casement windows are to be retained, along with the installation of new insulated glazing units.
- Removal of the existing second floor and its reconstruction up to a depth of 4 metres.

- The conservation and repair of the third floor "Oak Room" with its cathedral ceiling, wood-clad beams and carved oak wall panelling. New matching oak panels would be provided where existing panels are missing or cannot be repaired.
- The conservation and repair of the ornately decorated wood, stone and tile fireplace and hearth in the third floor "Oak Room".
- Installation of new front entrance doors and storefronts behind the existing three ground floor bays. Details of the new storefronts are not included, however the Heritage Impact Assessment notes that they would "be constructed with regard for the attributes of the building."
- The conservation and repair of the ground floor timber post and beam structure (including the timber brackets and copper soffit details in each bay, and the projecting piers clad in rubble stonework).
- Removal of parging and repointing of the north and south facing gable end walls if possible.
- Masonry cleaning.

The scale, form and massing of the heritage building would be altered by the construction of a new tower set 7.5 metres behind the property line. This stepback would increase to 8.5 metres at floor 13. The proposed new tower would be clad in contemporary materials and, as stated in the Heritage Impact Assessment it "has been designed to respond and provide a compatible relationship to the cultural heritage value of the existing property...".

The City Solicitor requires further instructions on this matter. 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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Covering letter from Aird & Berlis LLP dated May 18, 2023 which describes the revised proposal, and accompanied the heritage permit application and updated heritage impact assessment
2. Public Attachment 2 - Location Map
3. Public Attachment 3 - Photographs
4. Public Attachment 4 - Statement of Significance
5. Public Attachment 5 - Plans and Drawings
6. Public Attachment 6 – Renderings
7. Confidential Attachment 1 - Confidential Information