

72-78 Berkeley Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act

Date: January 5, 2023

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: Ward 13 - Toronto-Centre

SUMMARY

This report recommends that City Council state its intention to designate the four attached properties at 72, 74, 76 and 78 Berkeley Street under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value.

Anchoring the northwest corner of Berkeley Street and Adelaide Street East at the north edge of the historic St. Lawrence neighbourhood, the properties at 72-78 Berkeley Street comprise a 2.5-storey row of four attached Bay-and-Gable type house-form buildings completed together in 1883.

Located in the King-Parliament Secondary Plan Area, which contains the original boundaries of the 1793 Town of York, these properties continue to anchor the northwest intersection of Berkeley Street and Adelaide Street East, where they maintain and support the character of the area as it represents the late-19th to early-20th century development of the neighbourhood, along with the workers' terrace housing at the southeast corner (55-79 Berkeley Street; 1872) and the former Berkeley Street Fire Hall No. 4 at the southwest corner (70 Berkeley Street; 1905). The subject properties also form part of a significant collection of surviving late-19th century residential buildings located along both sides of Berkeley Street, which defined the eastern boundary of the historic Town of York.

The subject properties were identified as having cultural heritage value through the King-Parliament Secondary Plan Review (2019) for their contribution to the area's Urban & Industrial Expansion (1850-1914) period of significance and were included on the City of Toronto's Heritage Register in December 2020.

A Heritage Impact Assessment (HIA) is required for all development applications that affect listed and designated properties and will be considered when determining how a heritage property is to be conserved. Designation also enables City Council to review

proposed alterations or demolitions to the property and enforce heritage property standards and maintenance.

The current Zoning Bylaw Amendment development application (19 244188 STE 13 OZ) for the site known as 49 Ontario Street proposes construction of three buildings of 11, 39 and 44 storeys containing 1,099 square metres of retail, 15,206 square metres of office, and 64,373 square metres of residential with 1,094 dwelling units, a 581 square metre public park along Berkeley Street and conservation of the existing row houses at 72-78 Berkeley Street will contribute to the public realm design and re-establish and strengthen the historical significance of Berkeley Street.

A Heritage Impact Assessment (HIA) completed by ERA Architects Inc. and dated October 21, 2019 was submitted to support the application, as were two subsequent Heritage Impact Assessment Addendums dated April 16, 2021 and November 8, 2022, and a Cultural Heritage Evaluation Report dated February 11, 2022.

The planning application was submitted November 1, 2019 and deemed complete January 9, 2020.

On November 28, 2022, the More Homes Built Faster Act, 2022 (Bill 23) received Royal Assent. Schedule 6 of the More Homes Built Faster Act amended prescribed event requirements under section 29(1.2) of the Ontario Heritage Act and came into effect on January 1, 2023.

The application currently under review was deemed complete prior to Bill 108 (July 1, 2021) and Bill 23 (January 1, 2023) changes to the Ontario Heritage Act coming into force, however, the Part IV designation must be in compliance with the Province's amended O. Reg. 9/06 under the Ontario Heritage Act, which is effect as of January 1, 2023. The revised regulation establishes nine provincial criteria for determining whether a property is of cultural heritage value or interest. A property may be designated under Part IV, Section 29 of the Ontario Heritage Act, if it meets two or more of the nine criteria.

Staff have completed the Research and Evaluation Report for the properties at 72-78 Berkeley Street and determined that they meet 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, associative and contextual value. As such, the properties are significant built heritage resources.

RECOMMENDATIONS

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

1. City Council state its intention to designate the properties at 72-78 Berkeley Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance; 72, 74, 76 & 78 Berkeley Street (Reasons for Designation) attached as Attachment 3, to the report, January 5, 2023, from the Chief Planner and Executive Director, City Planning.

2. If there are no objections to the designation, City Council authorize the City Solicitor to introduce the Bill in Council designating the property 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

At its meeting of December 16, 2020, City Council adopted on consent the item: Inclusion on the City of Toronto's Heritage Register - King-Parliament Area Properties and added 257 properties to the City's Heritage Register that were identified through the Secondary Plan Study (2019), including the subject properties at 72-78 Berkeley Street. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.21>

At its meeting of May 5, 2021, City Council adopted item TE24.11: King-Parliament Secondary Plan Review - Final Report, Secondary Plan and Zoning By-law Amendments without amendment or debate. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.11>

At its meeting of January 8, 2020, the Toronto and East York Community Council adopted, as amended, the item TE12.25 - 49 Ontario Street - Zoning Amendment Application - Preliminary Report and directed Staff to schedule a community consultation meeting for the lands pertaining to 49 Ontario Street, to create a working group, and to consult with the local community as part of the Site Plan process, including the local residents association, other stakeholders and Ward Councillor. <https://secure.toronto.ca/council/agenda-item.do?item=2020.TE12.25>

BACKGROUND

Heritage Planning Framework

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place, economic prosperity, and healthy and equitable communities. Heritage conservation in Ontario is identified as a provincial interest under the Planning Act. Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth under the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Heritage Conservation is enabled through the Ontario Heritage Act. The City of Toronto's Official Plan implements the provincial policy regime, the Planning Act, the Ontario Heritage Act and provides policies to guide decision making within the city.

Good planning within the provincial and municipal policy framework has at its foundation an understanding and appreciation for places of historic significance, and ensures the conservation of these resources are to be balanced with other provincial interests. Heritage resources may include buildings, structures, monuments, and geographic areas that have cultural heritage value or interest to a community, including an Indigenous community.

The Planning Act establishes the foundation for land use planning in Ontario, describing how land can be controlled and by whom. Section 2 of the Planning Act identifies heritage conservation as a matter of provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, historical, archaeological or scientific interest. Heritage conservation contributes to other matters of provincial interest, including the promotion of built form that is well-designed, and that encourages a sense of place.

The Planning Act requires that all decisions affecting land use planning matters shall conform to the Growth Plan and shall be consistent with the Provincial Policy Statement, both of which position heritage as a key component in supporting key provincial principles and interests.

<https://www.ontario.ca/laws/statute/90p13>

The Provincial Policy Statement provides policy direction on land use planning in Ontario and is to be used by municipalities in the development of their official plans and to guide and inform decisions on planning matters, which shall be consistent with the Provincial Policy Statement. The Provincial Policy Statement articulates how and why heritage conservation is a component of good planning, explicitly requiring the conservation of cultural heritage and archaeological resources, alongside the pursuit of other provincial interests. The Provincial Policy Statement does so by linking heritage conservation to key policy directives, including building strong healthy communities, the wise use and management of resources, and protecting health and safety.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development states that long-term economic prosperity is supported by, among other considerations, the promotion of well-designed built form and cultural planning, and the conservation of features that help define character. Section 2.6 Cultural Heritage and Archaeology subsequently directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Through the definition of conserved, built heritage resources, cultural heritage landscape and protected heritage property, the Provincial Policy Statement identifies the Ontario Heritage Act as the primary legislation through which heritage conservation will be implemented.

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) builds on the Provincial Policy Statement to establish a land use planning framework that supports complete communities, a thriving economy, a clean and healthy environment and social equity. Section 1.2.1 Guiding Principles states that policies in the plan seek to, among other principles, "conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities". Cultural heritage resources are understood as being irreplaceable,

and are significant features that provide people with a sense of place. Section 4.2.7 Cultural Heritage Resources directs that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

<https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>

The Ontario Heritage Act is the key provincial legislation for the conservation of cultural heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through listing on the City's Heritage Register, designation of individual properties under Part IV of the Ontario Heritage Act, or designation of districts under Part V of the Ontario Heritage Act.

Section 27 of the Ontario Heritage Act gives municipalities the authority to maintain and add to a publicly accessible heritage register. The City of Toronto's Heritage Register includes individual heritage properties that have been designated under Part IV, Section 29, properties in a heritage conservation district designated under Part V, Section 41 of the Act as well as properties that have not been designated but City Council believes to be of "cultural heritage value or interest."

<https://www.ontario.ca/laws/statute/90o18>

Ontario Regulation 9/06 sets out the criteria for evaluating properties to be designated under Part IV, Section 29 of the Ontario Heritage Act. The criteria are based on an evaluation of design/physical value, historical and associative value and contextual value. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest.

<https://www.ontario.ca/laws/regulation/060009>

The Ontario Heritage Toolkit provides guidance on designating properties of municipal significance, including direction on the purpose of designating heritage properties and information about how the Provincial Policy Statement and the Ontario Heritage Act provide a framework for the conservation of heritage properties within the land use planning system. 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. The Bill 108 Amendments to the Ontario Heritage Act came into force on July 1, 2021, which included, amongst other matters, amendments to the listing and designation processes. Guidance from the Province related to the implementation of Bill 108 Amendments is forthcoming.

http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml

On November 28, 2022, the More Homes Built Faster Act, 2022 (Bill 23) received Royal Assent. Schedule 6 of the More Homes Built Faster Act amended various sections of the Ontario Heritage Act. Majority of the key changes to the Act came into effect on January 1, 2023.

The City of Toronto's Official Plan contains a number of policies related to properties on the City's Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating the integral role that heritage conservation

plays in successful city-building, Section 3.1.6 of the Official Plan states that, “Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable City that can contribute to other social, cultural, economic and environmental goals of the City.”

Policy 3.1.6.4 states that heritage resources on the City's Heritage Register "will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

Policy 3.1.6.6 encourages the adaptive re-use of heritage properties while Policy 3.1.6.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts on it.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

COMMENTS

The subject properties form part of a significant collection of surviving late-19th century residential buildings located along both sides of Berkeley Street, which defined the eastern boundary of the historic Town of York.

This designation report precedes by a cycle the final report on the development application (19 244188 STE 13 OZ) for the site known as 49 Ontario Street by Community Planning that is anticipated to come forward to Community Council in February 2023.

72-78 Berkeley Street

Research and Evaluation according to Ontario Regulation 9/06

While the research and evaluation of the properties referenced above is, in staff's determination, sufficient to support the designation of the properties at 72-78 Berkeley Street, it should be noted that new and additional relevant information on the subject property further expanding on its cultural heritage value following community input and additional access to archival records may be incorporated in the final version of a Part IV designation by-law.



Current image showing the principal (east) elevations of the attached, Bay-and-Gable type house-form buildings at 72-78 Berkeley Street (Heritage Planning, 2022)

1. DESCRIPTION

72-78 Berkeley Street	
ADDRESS	72, 74, 76 & 78 Berkeley Street
WARD	Ward 13 – Toronto-Centre
LEGAL DESCRIPTION	72, 74 & 76 Berkeley Street – Plan 7A, Pt Lot 4 78 Berkeley Street – Con 7A Pt Lot 4
NEIGHBOURHOOD/COMMUNITY	King-Parliament Secondary Plan Area
HISTORICAL NAME	N/A
CONSTRUCTION DATE	1883
ORIGINAL OWNER	William Davis (entirety of Lot 4)
ORIGINAL USE	Residential
CURRENT USE*	Commercial/Office
ARCHITECT/BUILDER/DESIGNER	N/A
DESIGN/CONSTRUCTION/MATERIALS	See Section 2
ARCHITECTURAL STYLE	See Section 2
ADDITIONS/ALTERATIONS	See Section 2
CRITERIA	Design/physical, historical/associative, contextual
HERITAGE STATUS	Listed (2020)
RECORDER	Heritage Planning: Liz McFarland
REPORT DATE	December 2022

2. BACKGROUND

This research and evaluation section of the report describes the history, architecture and context of the properties at 72-78 Berkeley Street, and applies evaluation criteria as set out in Ontario Regulation 9/06, under the headings of historical/associative,

design/physical and contextual value to determine whether they merit designation under Part IV, Section 29 of the Ontario Heritage Act. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest. The application of the criteria is found in Section 3 (Evaluation Checklist). The conclusions of the research and evaluation are found in the Conclusion of the report. Maps and Photographs are located in Attachment 1. The archival and contemporary sources for the research are found in Attachment 2. The Statements of Significance are contained in Attachment 3.

i. HISTORICAL TIMELINE

Key Date	Historical Event
	The area now known as the City of Toronto is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and is now home to many diverse First Nations, Inuit and Métis peoples. Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit (1805), and the Williams Treaties (1923) signed with multiple Mississaugas and Chippewa bands.
1793	The Town of York is laid out with Parliament Street (now Berkeley Street) as the eastern most street of the ten block grid.
1832	Thomas Stoyell grants Lot 4 of Plan 7A to Jane Drean(sp?)
1844	William Davis is granted Lot 4.
1880	Goad's Atlas indicates a detached wood frame house-form building at the northwest corner of Berkeley and Adelaide Street East (then Duke Street) and three attached brick-faced house-form buildings at 80-84 Berkeley Street.
1883	The 1884 City Directory (containing information gathered in the previous year) indicates that the subject properties at 72-78 Berkeley Street are completed and occupied; the previous year, no less than seven additional residential properties were constructed along the west side of this block of Berkeley Street between Adelaide and Richmond according to the 1883 directory.
1884	Goad's Historical Atlas map shows the recently-completed subject properties at 72-78 Berkeley Street with the slightly earlier three dwellings adjacent at 80-84 Berkeley directly to the north.
1935	Louis Zlatkes purchases Lot 4 and sells off the individual parcels from 72-84 Berkeley Street between 1947 and 1950.
1972-1984	Archival photographs show the grouping's original Gothic Revival details including wooden bargeboards in the cross gables at 72 and 78 and the remaining wooden porch at 72 Berkeley. The original side gable roof pitch at 72 is also evident. The triangular cross gable window openings at 74-78 and roof skylight at 74 are 1970s alterations.
1973-1986	Architectural firm of Leonard Sedun and Seppo Kenerva own 74 Berkeley Street as a partnership property.
1973-2008	Architect Dharam Malik owns 76 Berkeley Street.

2019	The King-Parliament Secondary Plan Review – Proposed Secondary Plan was adopted without amendment by the Toronto and East York Community Council on October 10, 2019 and by City Council on October 29, 2019. The properties at 72-78 Berkeley Street were identified as having cultural heritage value.
2020	The Heritage Planning multiple listing report, Inclusion on the City of Toronto's Heritage Register - King-Parliament Area Properties, adds 257 properties identified through the King-Parliament Secondary Plan Review and associated Cultural Heritage Resource Assessment to the Heritage Register, including the subject properties at 72-78 Berkeley Street.

ii. HISTORICAL BACKGROUND

The following section outlines the history and facts related to the properties which are the basis for determining 'Historical and Associative Value' according to O. Reg. 9/06 Criteria.

King-Parliament Secondary Plan Area:

The properties at 72-78 Berkeley Street, located along the west side of Berkeley just north of Adelaide Street East, are part of a neighbourhood that was connected with the earliest history of the town of York following its establishment as the capital of Upper Canada in 1793 that is now included within the boundaries of the historic King-Parliament area identified in the King-Parliament Secondary Plan. The properties are bound by the rest of the old Town of York to the west, the St. Lawrence Neighbourhood Heritage Conservation District to the south, and Corktown to the east.

The location of the properties at 72-78 Berkeley Street is shown on the property data map (Image 1) on the west side of the street north of Adelaide Street East. Berkeley Street, originally known as Parliament Street, was the eastern most boundary of the ten block grid established with the laying out of the town of York in 1793, which now forms part of the St Lawrence neighbourhood. The first parliament buildings, completed in 1796-7, were located at the foot of Berkeley Street. These buildings burnt down in 1813, were replaced in 1820, and then burnt down again in 1824. After the construction of the new parliament buildings on Front Street West, the street was populated by other civic institutions including a court house and jail (Image 2). The character diversified to become more commercial and industrial along with residential properties. Many of these historic buildings survive today and include the shops at the north east corner of King and Berkeley (1845), the row houses on the south east corner of Berkeley at Adelaide (55-79 Berkeley Street; 1872), and the Consumers Gas Company (1882). Within the block in which 72-78 Berkeley Street are located between Adelaide and Richmond streets, houses dating to the late-19th century survive at both ends and on both sides.

The King-Parliament area was transformed into the urban cityscape that we recognize today primarily during the period of significance known as Urban and Industrial Expansion (1850-1914).¹ The main attraction to the King-Parliament area was the

1 City of Toronto, 2020.

growth of industry which flourished over the next 100 years. While access to shipping would continue to draw industry to the area, the introduction of railways to Toronto in the 1850s had a far greater impact. The Grand Trunk railway was the first to cross the Don River, and was laid out along the Esplanade in 1855.² The railways dramatically changed the landscape of the area, filling the harbour for their tracks and yards over successive periods, and extending the shoreline south from Front Street. The railways also encouraged economies of scale through quick access to much larger markets than was previously imaginable in an era of poor roads and laborious travel. Toronto industries could now compete with smaller industries in towns connected to it by rail all over Ontario³. The result was a concentration of large scale industrial power in the King-Parliament area.

Industrial growth directly contributed to the Don Improvement Plan of 1886, which led to the straightening of the Don River below Gerrard Street by 1892. The massive engineering project reclaimed significant lowlands along the banks of the river for industrial use, and made room for a new Canadian Pacific Rail line completed through the King- Parliament area on the west side of the Don River in 1892⁴.

Initially, the dramatic expansion of industry in the area caused an increase and change in housing. The wealthy left the area, their homes either demolished or converted for other purposes, and denser housing predominated. In fact, demand for worker's housing was strong enough by the 1880s that the Wilkins family developed a business redeveloping lots by inserting narrow lanes off of King Street with row houses that survive today, including Wilkins Avenue, Percy Street, and Ashby Place. Residential occupation reached its peak in the entire area by about 1900.

In this period, the King-Parliament area was one of Toronto's poorest residential areas, along with The Ward (between Yonge Street and University Avenue, from Queen to College streets) and areas close to industry and railyards to the west of the downtown. Like The Ward, the poorly maintained row houses of the King-Parliament area offered less costly housing for new immigrants.

After the expansion of industry fueled a growth in housing, it was then responsible for shrinking it.⁵ In the early 20th century, the continued growth of industry in the area resulted in the redevelopment of residential areas with factories and warehouses. Much of the Old Town, in fact, was slowly transformed by the consolidation of residential or commercial lots and redevelopment for industry. The resulting factories and warehouses, interspersed with a few surviving houses, continue to define the area west of Berkeley Street, and north of King Street. Today, Berkeley Street itself is fortunate to continue to include significant collections and groupings of late-19th century house-form buildings between King and Richmond Streets, most of which are already recognized on the City's Heritage Register.

2 Historica Research Limited, 9, 22.

3 Careless, 83.

4 Careless, 118.

5 City of Toronto Planning Board, "Housing in King-Parliament," 4.

The Old Town neighbourhood began to experience an industrial decline in the 1960s. As a result of demographic shifts and changes in land use planning and urban development, many manufacturing firms vacated the downtown core and relocated to newer suburban locations. The decline of Old Town Toronto paralleled that of the King-Spadina neighbourhood, formerly the centre of the city's garment manufacturing industry. In both locations of the city, as larger industries moved out, smaller industries took shape in the neighbourhood; however, overall employment declined. The adoption of the King-Parliament Secondary Plan in 1996 lifted the restrictive industrial zoning, encouraging the adaptive reuse of factories and warehouses.

Today, the King-Parliament area includes some of Toronto's oldest neighbourhoods and commercial and industrial areas. Within its boundaries are cultural heritage resources, including built heritage, cultural heritage landscapes, and archaeology that reflect the long evolution of the area, from ancient Indigenous habitation through the late-18th century founding of the Town of York, to the present day. The contemporary road network and built form of the area reflects its evolution from a primarily residential and commercial area in the first half of the 19th century, to a commercial and industrial area with pockets of working class housing by the end of the 20th century.

72-78 Berkeley Street

The subject properties comprise part of Lot 4, registered Plan 7A located on the west side of Berkeley Street between Adelaide Street East and Richmond Street East. In 1832, the entirety of Lot 4 was granted to Jane Drean(sp?) following the death of the previous owner, Thomas Stoyell who was a medical doctor and local brewery owner. Drean subsequently granted Lot 4 to William Davis in 1844.⁶ While City Directories and historical mapping indicate that a number of buildings were constructed within the boundary of Lot 4 during the second half of the 19th century, the parcels are not individually owned until Louis Zlatkes begins to sell them off one-by-one between 1947 and 1950.

Completed together in 1883 according to City Directories, the four attached house-form buildings at 72-78 Berkeley Street replaced a detached wood frame house located at the northwest corner of Berkeley Street and Adelaide Street East (then Duke Street). This is visually evident in the difference in the existing buildings indicated on the site in the 1880 and 1884 Goad's Historical Atlas. (Images 3 and 4) The four row houses at 72-78 Berkeley were originally occupied by a bookkeeper (72), an engineer (74) and two different clerks (76 and 78).⁷ By the 1903 version of Goad's Atlas, it is clear that both sides of Berkeley Street between King and Richmond are largely defined by groupings of residential buildings (including the subject properties) interspersed with factory/warehouse and retail properties constructed during the area's Urban and Industrial Expansion Period of Significance (1850-1914), as outlined in the City's King-Parliament Historic Context Statement.⁸ (Image 5)

6 Ontario Land Registry Records for Plan 7A, Book 228.

7 Note that none of these occupant names also indicate property ownership in the Ontario Land Registry Records and that William Davis appears to own the entirety of Plan 7A, Lot 4 between 1844 and 1935 (Book 228).

8 City of Toronto, 2020.

Through to the end of the 1960s, all four properties maintained their residential use, whether as single family dwellings or rooming houses. In the early 1970s, both 74 and 76 Berkeley Street were purchased by two different architectural practices: Sedun Kanerva at 74 and Dharam Malik at 76. Both firms converted their respective properties to incorporate commercial/office space, as evidenced by building permits and plans submitted to the City in 1973 and 1974.⁹ At 76 Berkeley Street, Dharam Malik's practice occupied the building for at least part of the 35 years that Malik owned the property.

Today, all four properties retain their original Bay-and-Gable residential form despite having undergone largely interior commercial conversion of use, as was common during the mid-20th century Urban Renewal period in the area as well as across other parts of the city such as Yorkville.

iii. ARCHITECTURAL DESCRIPTION

The following section provides an architectural description and analysis related to the property which will establish the basis for determining design or physical value of Criteria 1, 2 or 3 according to O. Reg. 9/06 Criteria.

The subject properties comprise a row of 2.5-storey Bay-and-Gable type house-form buildings with their principal elevations fronting east onto the west side of Berkeley Street. Built together in 1883, the grouping is clad in brick on its street-fronting elevations (which are currently overclad with stucco). In keeping with the Bay-and-Gable type as defined in the King-Parliament Historic Context Statement and considered a significant type within the area, the principal elevation of all four buildings is defined by two bays, one bay containing the main entrance while the other bay is capped by a cross gable above projecting bay windows. Additional defining features of the type include Gothic Revival style wooden porches, decorative wooden bargeboard and brick chimneys rising from the front half of the side gable roof, all of which are evident in archival photos of the grouping and proposed to be replaced, where currently missing, as part of the active development application for this site.

Alterations to the exterior of the row in the second half of the 20th century as part of their adaptive reuse as commercial conversions include the stucco overcladding at all four properties, modern triangular cross gable window openings at 74-78, skylights added to the front half of the main roof at 74 and 76, and rear (west) additions to the properties including second-storey rear decks and altered side gable roofline, as currently seen from the south elevation of 72 Berkeley Street that fronts onto Adelaide Street East.

The active development application for the site proposes to reverse these alterations and return the properties to their original condition with respect to roof pitch, materiality and detailing. (Images 6-11)

⁹ City of Toronto Building Records for 72, 74, 76 and 78 Berkeley Street.

iv. CONTEXT

The following section provides contextual information and analysis related to the property which is the basis for determining contextual value of Criteria 7, 8 or 9 according to O. Reg. 9/06 Criteria.

The City of Toronto Property Data Map attached as Image 1 (Attachment 1) shows the site of the properties at 72-78 Berkeley Street.

The grouping of four attached house-form buildings at 72-78 Berkeley Street are located at the northwest corner of Berkeley and Adelaide Street East. Built together in 1883, the Bay-and-Gable style row forms part of a broader evolutionary collection of buildings constructed since the Town of York was laid out in 1793 and Berkeley Street formed the eastern edge of the town. The types of buildings and their dates have varied from parliament buildings and court houses with jails, to row houses, commercial blocks, stables, fire halls and gas companies (converted as theatres). Some of the buildings were of municipal significance while others play a more modest role in the city's life.

The subject properties sit at a junction of several important historic neighbourhoods in Toronto. To the northwest is historic Moss Park and the Garden District Heritage Conservation District (HCD). Adjacent at south is the St. Lawrence Neighbourhood HCD which contains many designated and listed properties as well as the historic Town of York. Adjacent heritage properties include 55-79 Berkeley Street (1872) and the former Berkeley Street Fire Hall No. 4 at 70 Berkeley Street (1905) which, together with the subject properties at 72-78 Berkeley, continue to anchor three of the four corners at Berkeley and Adelaide Street East today. Surviving heritage properties within the same block as the 72-78 Berkeley Street include the Christie, Brown & Co, Stables at 93-95 Berkeley (1906) and the similarly late Victorian residential rows at 106-112 (1884-1890) and 111-115 Berkeley Street (1872-1882). (Images 12-18)

3. EVALUATION AND APPLICATION OF O.REG 9/06 CRITERIA

The following evaluation applies Ontario Regulation 9/06 made under the Act: Criteria for Determining Cultural Heritage Value or Interest. The criteria are prescribed for municipal designation under Part IV, Section 29 of the Act, and the City of Toronto is also required to use these criteria when assessing properties for inclusion on the City of Toronto's Heritage Register. There are a total of nine criteria under O. Reg 9/06. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest. The evaluation table is marked "N/A" if the criterion is "not applicable" to the property or "✓" if it is applicable to the property, with explanatory text below.

DESIGN OR PHYSICAL VALUE

The property has design value or physical value because it	
1. is a rare, unique, representative or early example of a style, type, expression, material or construction method.	✓
2. displays high degree of craftsmanship or artistic merit	N/A
3. demonstrates high degree of scientific or technical achievement	N/A

Representative example of a style and type

Built together in 1883, the four attached properties at 72-78 Berkeley Street have design and physical value as remaining representative examples of late-19th century, Victorian-era row housing, which proliferated in the King-Parliament area during the second half of the 19th century. As a row or terrace of four attached house-form buildings, the subject properties represent a key building typology in King-Parliament, which originated in the 1800s as a residential and institutional enclave where the side streets and many of the main streets were lined with detached, semi-detached and row houses. The subject properties survived the replacement of much of the residential building stock in the area during the 20th century. The row at 72-78 Berkeley Street is distinguished by its Bay-and-Gable type defined by two bays, one containing the main entrance with the other capped by a cross gable above a projecting bay window. This late Victorian era design is considered quintessentially Torontonians, and a significant building typology found within the King-Parliament Secondary Plan area.

HISTORICAL OR ASSOCIATIVE VALUE

The property has historical value or associative value because it	
4. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	N/A
5. yields, or has the potential to yield, information that contributes to an understanding of a community or culture	✓
6. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	N/A

Yields information that contributes to an understanding of a community or culture

The attached row of four Bay-and-Gable type house-form buildings at 72-78 Berkeley Street is valued for its historic association with Berkeley Street as the original eastern boundary of the ten-block Town of York established in 1793, and for its association with the history and development of the broader King-Parliament area during its Urban & Industrial Expansion (1850-1914) period of significance, as an urban townscape combining industrial, commercial and residential functions.

CONTEXTUAL VALUE

The property has contextual value because it is	
7. important in defining, maintaining or supporting the character of an area.	✓
8. physically, functionally, visually or historically linked to its surroundings.	✓
9. a landmark.	N/A

Important in defining, maintaining or supporting the character of an area

Contextually, the late Victorian era row is valued for its role in defining, supporting and maintaining the historical character of the King Parliament neighbourhood which

contains the historic 1793 Town of York with Berkeley Street defining its eastern boundary, and reflecting the area's evolution from a 19th-century residential and institutional enclave and one of Toronto's manufacturing centres in the first half of the 20th century, to its current status as a mixed-use community.

Physically, functionally, visually or historically linked to its surroundings

The row at 72-78 Berkeley Street is historically, visually and physically linked to its setting in the King-Parliament community where it stands among a significant collection of surviving late-19th century residential buildings along both sides of Berkeley Street between King and Richmond, including 56 Berkeley (1845), 55-79 Berkeley (1872), 106-112 Berkeley (1884-1890) and 111-115 Berkeley (1882 and 1872), all of which are recognized on the City's Heritage Register.

CONCLUSION

Located at the northwest corner of Berkeley Street and Adelaide Street East, the row of four attached Bay-and-Gable type row houses at 72-78 Berkeley Street is valued as a surviving representative example of late-19th century, Victorian-era housing which proliferated in the King-Parliament area during the second half of the 19th century.

Built together in 1883, the 2.5-storey, Victorian-era house-form buildings maintain the scale, form and massing of the historic streetscape along both sides of Berkeley Street, which also defines the eastern boundary of the historic 1793 Town of York. The properties anchor this important historical city intersection, along with the heritage properties at 55-79 Berkeley (southeast corner) and 70 Berkeley (southwest corner) where they define and support the character of the area as it represents the history and development of the broader King-Parliament area during its Urban & Industrial Expansion (1850-1914) period of significance, as an urban townscape combining industrial, commercial and residential functions.

The subject properties form part of a significant collection of surviving late-19th century residential buildings located along both sides of Berkeley Street, which defined the eastern boundary of the historic Town of York. The redevelopment proposes to conserve the existing row houses at 72-78 Berkeley Street will contribute to the public realm design and re-establish and strengthen the historical significance of Berkeley Street.

Staff have completed the Research and Evaluation Report for the properties at 72-78 Berkeley Street and determined that the property meets 4 out of 9 criteria in Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Act. As such, the property should be designated.

The Statement of Significance (Attachment 3) 72, 74, 76 & 78 Berkeley Street, comprises the Reasons for Designation, which is the Public Notice of Intention to Designate.

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ATTACHMENTS

Attachment 1 – Maps and Photographs
Attachment 2 – List of Research Sources
Attachment 3 – Statement of Significance (Reasons for Designation) – 72, 74, 76 & 78 Berkeley Street

**MAPS AND PHOTOGRAPHS:
72-78 BERKELEY STREET**

ATTACHMENT 1



Image 1. This location map is for information purposes only; the exact boundaries of the properties are not shown. The arrow marks the location of the group of four subject properties at 72-78 Berkeley Street. (City of Toronto iView mapping)

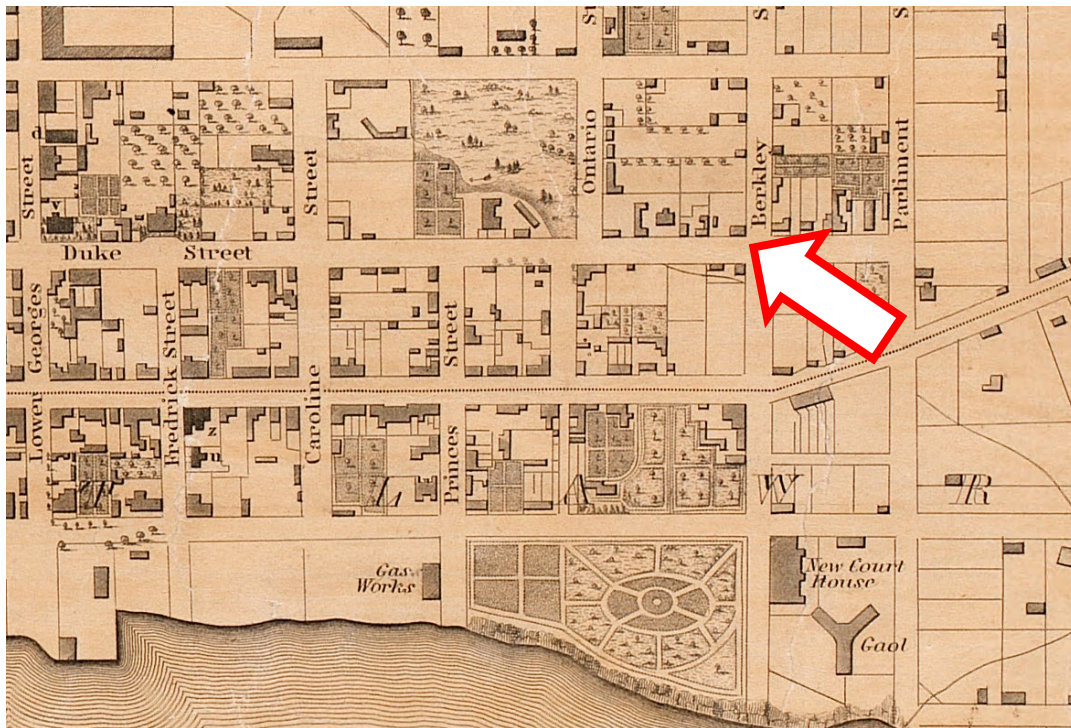


Image 2. Topographical Map of the City and Liberties of Toronto, 1842: shows the subject site occupied by a single building. The court house and jail are shown at the base of Berkeley Street and the new Parliament Street is shown to the east. (City of Toronto Archives)

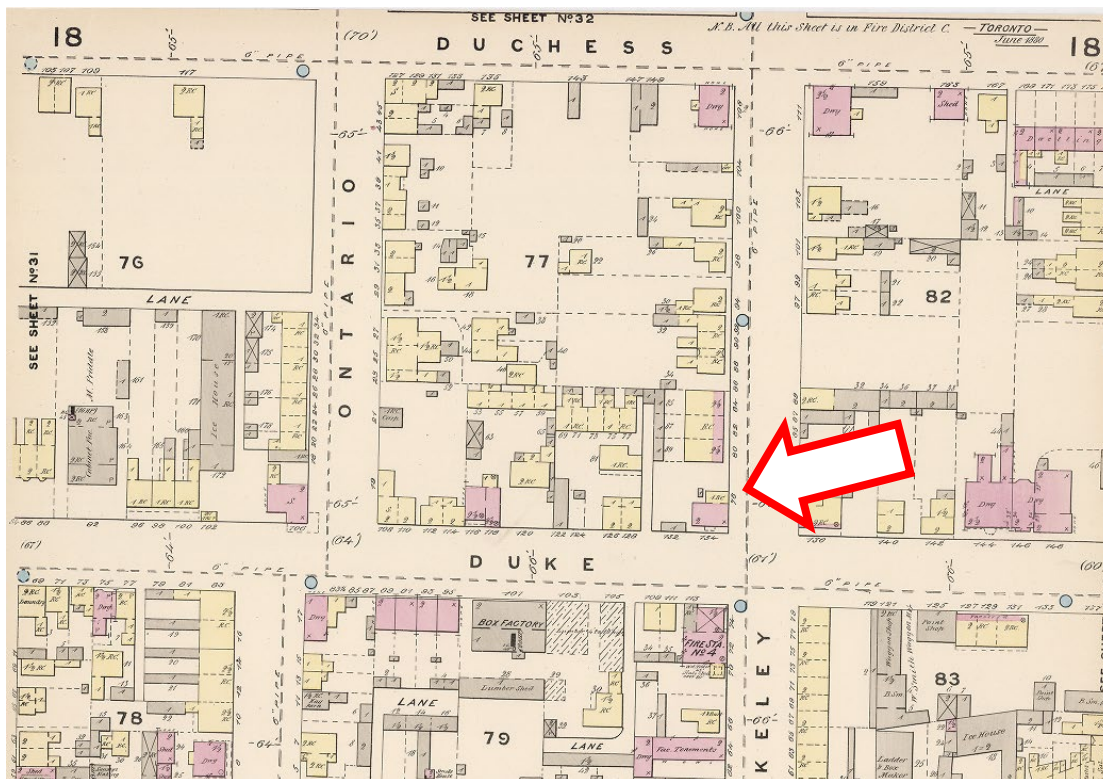


Image 3. 1880 Goad's Historical Atlas, showing a single brick building with wooden ancillary buildings on the south half of Lot 4 and the row of three brick-faced house-form buildings on the north half of Lot 4 at 80-84 Berkeley Street, now demolished. (Ng)

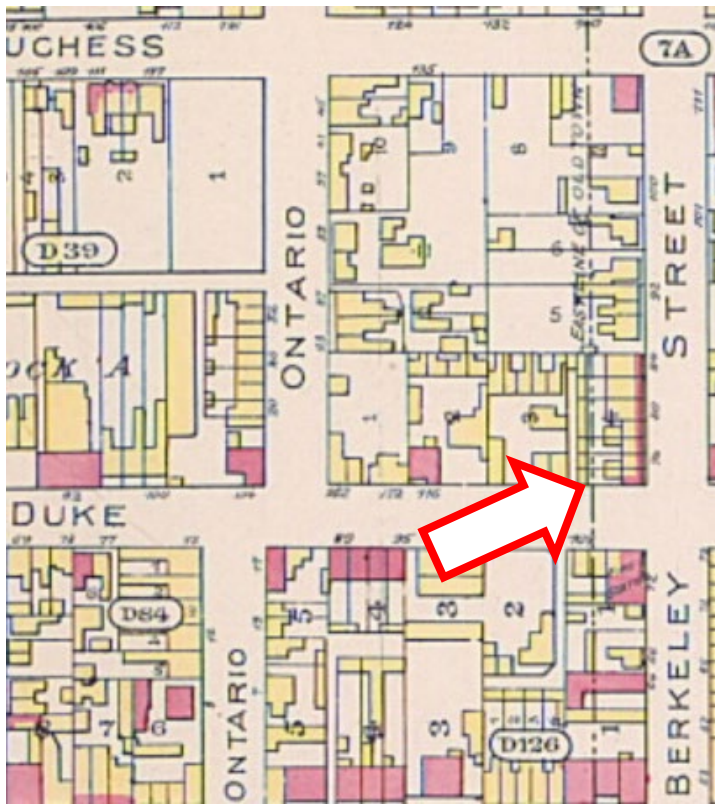


Image 4. 1884 Goad's Historical Atlas, showing the recently-completed subject properties at 72-78 Berkeley Street (Ng)

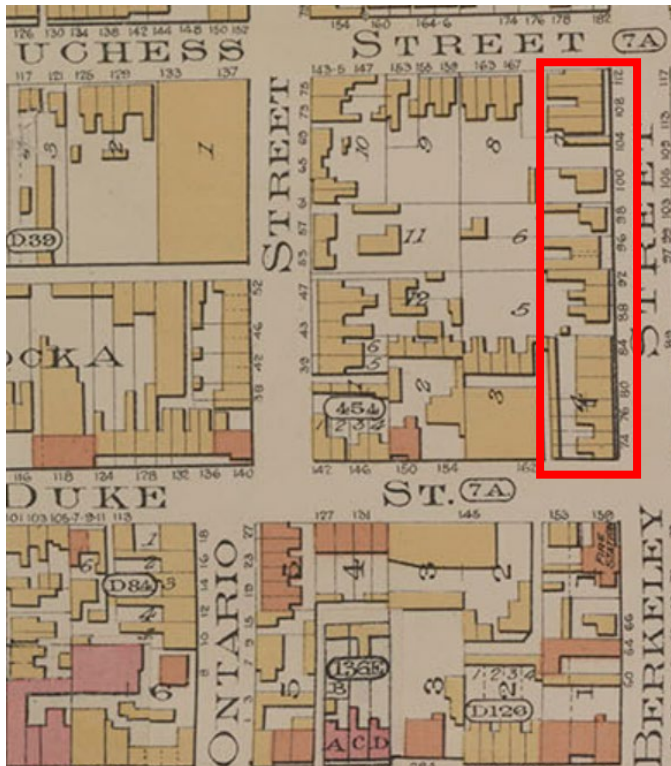


Image 5: 1903 Goad's Historical Atlas, showing the entire west side of Berkeley Street between Adelaide and Richmond now built out with residential buildings (Ng)



City of Toronto Archives, Fonds 2032, Series 841, File 21, Item 22

Image 6. 1972 archival photo looking northwest and showing the west and south elevations of 72 Berkeley Street. (City of Toronto Archives)



City of Toronto Archives, Fonds 1526, File 7, Item 44

Image 7. Archival photo c.1972-1984 looking northwest and showing the principal (east) elevations at 72-78 Berkeley Street. Note the decorative wooden bargeboards in the cross gables at 72 and 78, as well as the original wooden porch remaining at 72 Berkeley. (City of Toronto Archives)



Image 8. Current photo of the east elevations of the properties at 72-78 Berkeley Street (Heritage Planning, Dec 2022)



Image 9. Current photo of the east elevations of the properties at 72-78 Berkeley Street (Heritage Planning, Dec 2022)



Image 10. Current photo showing the east and south elevations of 72 Berkeley Street. (Heritage Planning, Dec 2022)



Image 11. Current photo showing the rear (west) additions to the subject properties (Heritage Planning, Dec 2022)

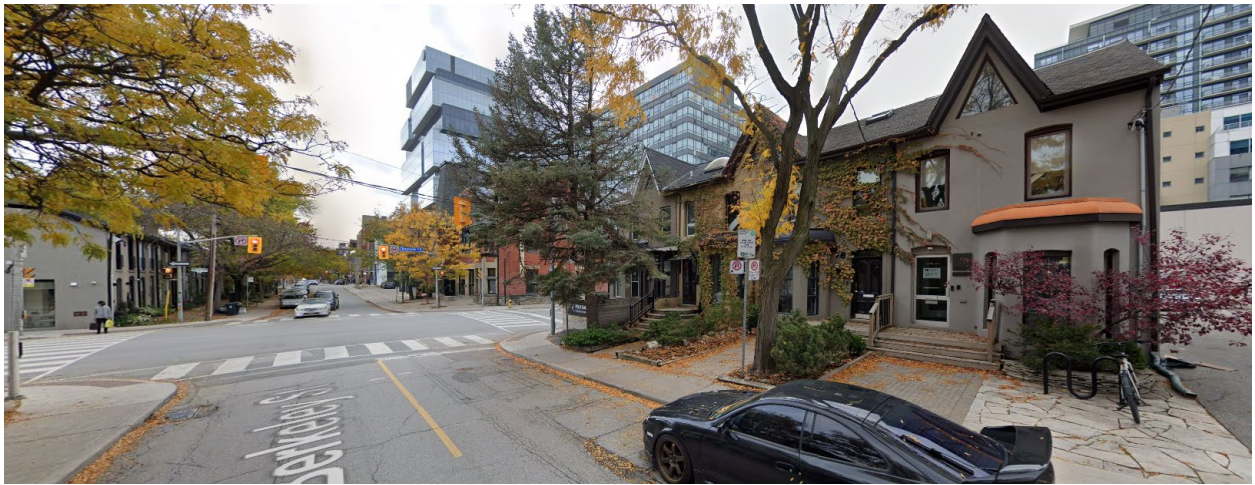


Image 12. Contextual view looking south on Berkeley Street at the subject properties at 72-78 Berkeley (right), where they anchor one of three corners at the Berkeley and Adelaide intersection along with the heritage properties at 55-79 Berkeley Street (at left) and 70 Berkeley Street (at centre). (Google, 2021)



Image 13. Current contextual photo looking southwest and showing the subject properties at right and the former Fire Hall No. 4 at 70 Berkeley Street at left. (Heritage Planning, Dec 2022)



Image 14. Current contextual photo looking south on Berkeley Street East with the heritage properties at 70 Berkeley Street (right) and 55-79 Berkeley Street (left). (Heritage Planning, Dec 2022)



Image 15. The workers' terrace housing at 55-79 Berkeley Street (Heritage Planning, Dec 2022)



Image 16. Heritage properties at 106-112 Berkeley Street
(Heritage Planning, Dec 2022)



Image 17. Heritage properties at 111-115 Berkeley Street
(Heritage Planning, Dec 2022)



Image 18. The Part IV designated Christie, Brown & Co. stables at 93-95 Berkeley Street (Heritage Planning, Dec 2022)

Archival Sources

- Abstract Index of Deeds, Plan 7A, Lot 4
- Archival maps and atlases
- Archival Photographs, City of Toronto Archives
- City of Toronto Building Records
- City of Toronto Directories

Secondary Sources

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- City of Toronto, Inclusion on the City's Heritage Register: King Parliament Area Properties, 2020.
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- White, Richard. Planning Toronto: The Planners, The Plans, Their Legacies, 1940-1980. Toronto: UBC Press, 2016.
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**STATEMENT OF SIGNIFICANCE
(REASONS FOR DESIGNATION)**

The properties at 72-78 Berkeley Street are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design/physical, historical/associative and contextual value.

Description

Anchoring the northwest corner of Berkeley Street and Adelaide Street East at the north edge of the historic St. Lawrence neighbourhood, the properties at 72-78 Berkeley Street comprise a 2.5-storey row of four attached Bay-and-Gable type house-form buildings completed together in 1883. The subject properties were identified as having cultural heritage value in the King-Parliament Area Secondary Plan Review (2019) for their contribution to the area's Urban & Industrial Expansion (1850-1914) Period of Significance and were listed on the City's Heritage Register in 2020.

Statement of Cultural Heritage Value**Physical and Design Value**

Built together in 1883, the four attached properties at 72-78 Berkeley Street have design and physical value as remaining representative examples of late-19th century, Victorian-era row housing, which proliferated in the King-Parliament area during the second half of the 19th century. As a row or terrace of four attached house-form buildings, the subject properties represent a key building typology in King-Parliament, which originated in the 1800s as a residential and institutional enclave where the side streets and many of the main streets were lined with detached, semi-detached and row houses. The subject properties survived the replacement of much of the residential building stock in the area during the 20th century. The row at 72-78 Berkeley Street is distinguished by its Bay-and-Gable type defined by two bays, one containing the main entrance with the other capped by a cross gable above a projecting bay window. This late Victorian era design is considered quintessentially Torontonionian, and a significant building typology found within the King Parliament Secondary Plan area.

Historical and Associative Value

The attached row of four Bay-and-Gable type house-form buildings at 72-78 Berkeley Street is valued for its historic association with Berkeley Street as the original eastern boundary of the ten-block Town of York established in 1793, and for its association with the history and development of the broader King-Parliament area during its Urban & Industrial Expansion (1850-1914) period of significance, as an urban townscape combining industrial, commercial and residential functions.

Contextual Value

Contextually, the late Victorian era row is valued for its role in defining, supporting and maintaining the historical character of the King-Parliament neighbourhood which contains the historic 1793 Town of York with Berkeley Street defining its eastern boundary, and reflecting the area's evolution from a 19th-century residential and institutional enclave and one of Toronto's manufacturing centres in the first half of the 20th century, to its current status as a mixed-use community.

The row at 72-78 Berkeley Street is historically, visually and physically linked to its setting in the King-Parliament community where it stands among a significant collection of surviving late-19th century residential buildings along both sides of Berkeley Street between King and Richmond, including 56 Berkeley (1845), 55-79 Berkeley (1872), 106-112 Berkeley (1884-1890) and 111-115 Berkeley (1882 and 1872), all of which are recognized and included on the City's Heritage Register.

Heritage Attributes

Design or Physical Value

Attributes that contribute to the value of the row at 72-78 Berkeley Street as being a representative late Victorian era, Bay-and-Gable example of the type are:

- The setback, placement and orientation of the row on its corner lot at the northwest corner of Berkeley Street and Adelaide Street East
- The 2.5-storey scale, form and massing of the attached properties on their rectangular plans and side gable roofline with cross gable on the principal (east) elevations
- The principal (east) elevations, each organized into two bays, one bay containing the main entrance and the other bay containing a projecting bay window at the first-storey level and surmounted by a cross gable
- The brick cladding (currently stuccoed) on the principal (east) elevations of the row and south elevation of 72 Berkeley Street fronting onto Adelaide Street East
- The original arrangement of the window and door openings on the first and second storeys

Contextual Value

Attributes that contribute to the value of the row at 72-78 Berkeley Street in defining, supporting and maintain the historic character of the area and being historically, visually, functionally and physically linked to its setting:

- The setback, placement and orientation of the row on its corner lot at the northwest corner of Berkeley Street and Adelaide Street East
- The 2.5-storey scale, form and massing of the attached properties on their rectangular plans and side gable roofline with cross gable on the principal (east) elevations

Note: the rear (west) additions to the properties are not considered heritage attributes