

Toronto Preservation Board

Meeting No. 2**Contact** Ellen Devlin, Committee Administrator**Meeting Date** Friday, January 6, 2023**Phone** 416-392-7033**Start Time** 9:30 AM**E-mail** hertpb@toronto.ca**Location** Video Conference**Chair** Sandra Shaul

PB2.1	ACTION	Adopted		Ward: 10
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46 Spadina Avenue - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act

Board Decision

The Toronto Preservation Board recommends to the Planning and Housing Committee that:

1. City Council state its intention to designate the property at 46 Spadina Avenue (including entrance addresses at 40, 42, and 44 Spadina Avenue) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance; 46 Spadina Avenue (Reasons for Designation) attached as Attachment 3, to the report (December 20, 2022) from the Senior Manager, Heritage Planning, Urban Design, 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.

Origin

(December 20, 2022) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on January 6, 2023, the Toronto Preservation Board considered Item [PB2.1](#) and made recommendations to City Council.

Summary from the report (December 20, 2022) from the Senior Manager, Heritage Planning,

Urban Design, City Planning:

This report recommends that City Council state its intention to designate the property at 46 Spadina Avenue (including entrance addresses at 40, 42, and 44 Spadina Avenue) under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value.

The property at 46 Spadina Avenue comprises a four-storey factory building that was constructed in 1907 and designed by the Toronto architectural firm of Horwood and Burke. Commissioned by Business Systems Limited, which manufactured business stationery and operated a business training school, the property served as the company's headquarters and factory for over half a century. In the late 20th century, the property was among the properties in the King-Spadina neighbourhood that became associated with the clothing manufacturing industry in Toronto's Fashion District.

City Council included the subject property on the City of Toronto's Heritage Register in 2016. It is also a contributing property within the King-Spadina Heritage Conservation District (HCD). City Council designated the King-Spadina HCD and adopted the King-Spadina HCD Plan under Part V of the Ontario Heritage Act at its meeting of October 2, 2017. The HCD Plan is currently under appeal. Additionally, the subject property is adjacent to the listed property at 374-376 Wellington Street West.

Staff have completed the Research and Evaluation Report for the property at 46 Spadina Avenue and determined that the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, on the basis of its design/physical, historical/associative, and contextual values. As such, the property is a significant built heritage resource.

In August 2022, the City received Site Plan Approval, Official Plan Amendment, and Zoning By-law Amendment applications related to proposed redevelopment of the subject property with a 28-storey mixed-use building, comprised of a 24-storey tower atop a 4-storey podium along Spadina Avenue.

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 a shift in Part IV designations related to certain Planning Act applications. Section 29(1.2) of the Ontario Heritage Act now restricts City Council's ability to give notice of its intention to designate a property under the Act to within 90 days after the City Clerk gives notice of a complete application.

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 will come into effect on January 1, 2023.

It is anticipated that on or after January 1, 2023, where a prescribed event is triggered, in order to designate a property under Section 29 of the Act, the property must have been included in the heritage register prior to the prescribed event being triggered.

Additionally, the Province has amended O. Reg. 9/06 under the Ontario Heritage Act, which is intended to come into effect on 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.

The City Clerk issued a complete application notice on September 16, 2022. The property owner provided a waiver to extend the 90-day timeline established under Bill 108 through March 31, 2023.

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.

Background Information

(December 20, 2022) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 46 Spadina Avenue - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act
(<https://www.toronto.ca/legdocs/mmis/2023/pb/bgrd/backgroundfile-230592.pdf>)