

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

PB2.2	ACTION	Adopted		Ward: 13
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72-78 Berkeley Street - 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 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 and 78 Berkeley Street (Reasons for Designation) attached as Attachment 3, to the report (December 23, 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.

Decision Advice and Other Information

Liz McFarland, Planner, Heritage Preservation, Urban Design, City Planning gave a presentation on 72-78 Berkeley Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act.

Origin

(December 23, 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 [PB2.2](#) and made recommendations to City Council.

Summary from the report (December 23, 2022) from the Senior Manager, Heritage Planning, Urban Design, City Planning:

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.

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.

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 came into effect on January 1, 2023.

On or after January 1, 2023, where a prescribed event is triggered, in order to designate a property under Section 29 of the Act, and the property must have been included in the heritage register prior to the prescribed event being triggered. The application currently under review was deemed complete prior to the new legislation coming into force. This designation report precedes by a cycle the final report on the development application by Community Planning that is anticipated to come forward in February 2023. The current Zoning Bylaw Amendment development application 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 (19 244188 STE 13 OZ).

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.

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. 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 23, 2022) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 72-78 Berkeley Street - 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-230629.pdf>)

(January 6, 2023) Staff Presentation - 72-78 Berkeley Street - 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-230790.pdf>)