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## Toronto Preservation Board

<b>Meeting No.</b>	3	<b>Contact</b>	Ellen Devlin, Committee Administrator
<b>Meeting Date</b>	Thursday, February 16, 2023	<b>Phone</b>	416-392-7033
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	hertpb@toronto.ca
<b>Location</b>	Video Conference	<b>Chair</b>	Sandra Shaul

PB3.2	ACTION	Adopted		Ward: 11
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### **835 and 839 Yonge 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 property at 835 and 839 Yonge Street (including entrance address at 837 Yonge Street) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance; 835 and 839 Yonge Street (Reasons for Designation) attached as Attachment 3, to the report (January 25, 2023) 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**

Ana Martins, Planner, Heritage Preservation, Urban Design, City Planning gave a presentation on 835 and 839 Yonge Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act.

#### **Origin**

(January 25, 2023) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

#### **Summary**

At its meeting on February 16, 2023, the Toronto Preservation Board considered Item [PB3.2](#) and made recommendations to City Council.

Summary from the report (January 25, 2023) from the Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council state its intention to designate the listed property at 835 and 839 Yonge Street (including the entrance address of 837 Yonge Street) under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value.

The property at 835 and 839 Yonge Street is located at the northeast corner of the intersection of Yonge/Church Streets and Davenport Road, across from the Masonic Temple and adjacent to the South Rosedale Heritage Conservation District, in the Rosedale neighbourhood. The property, commonly known as the Canadian Tire Store, comprises, amongst other structures, portions of the Grand Central Market, a two-storey commercial market building designed in the Spanish Colonial Revival style in 1929 by Henry Wilkinson, the in-house architect for Associated Development Corporation Ltd, the financial and real-estate firm that developed the property.

The design of the new market was conceived as a "stop and shop" modern market that would service the local community and offered an alternative to the more established St. Lawrence Market, where one would purchase directly from the producer. The concept for the Grand Central Market palatial building for over 100 of Toronto's better retail merchants was short lived. In 1936, the property was acquired by Canadian Tire Corporation to serve as the company's headquarters and flagship store along Toronto's famous Yonge Street. The Canadian Tire retail store has continuously operated for nearly 90 years at this location and this association with a national legacy business, established in Toronto in 1922, further contributes to the cultural heritage value of the property and the historic commercial character of Yonge Street at Davenport Road in the Bloor/Yorkville area.

The property at 835 and 839 Yonge Street (previously 837 Yonge Street) has been recognized on the City of Toronto's Heritage Register since February 24, 1986 when Canadian Tire redeveloped the property by incorporating 6 of the symmetrical 7-bay designed principal elevation and portions of the south elevation of the Grand Central Market building into its new flagship store along Yonge Street. This 1980s project was an early example of façade retention in the City of Toronto.

Staff have completed the Research and Evaluation Report for the property at 835 and 839 Yonge Street 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, for its design/physical, historical/associative, and contextual values. As such, the property is a significant built heritage resource.

The City Clerk issued a complete application notice on December 9, 2022. The City received Official Plan Amendment and Zoning By-law Amendment applications related to the proposed redevelopment of the subject property. The proposal is for a mixed-used residential and

commercial development that would add two towers (45 and 49 storeys) to the property and incorporate into the podium of the proposed development the retained, in-situ, and restored 1935 west and south elevations, as well as reinstate the primary pedestrian entrance on the west elevation.

A Heritage Impact Assessment (HIA) completed by ERA Architects Inc. and dated August 15, 2022 was submitted to support the application. An 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

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 Planning Act applications that would trigger a Prescribed Event. 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.

A "Prescribed Event" is a point of time when the application for an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application has been deemed complete and the City Clerk provides notice of that complete application to the public in accordance with the Planning Act.

The City Clerk issued a complete application notice on December 9, 2022. The property owner provided a waiver to extend the 90-day timeline established under Bill 108 through April 14, 2023. Council must make a decision at its March 29-31 meeting to provide sufficient time for City Clerk to issue a notice of intention to designate before the waiver expires.

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.

As of January 1, 2023, should a property be subject to an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application that would trigger a Prescribed Event, the property must be listed in the heritage register prior to the Prescribed Event occurring to designate a property. This requirement does not apply to a Prescribed Event that has occurred prior to January 1, 2023.

The application currently under review was deemed complete prior to Bill 23 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. The property meets four criteria relating to design/physical, historical/associative, and contextual values.

Designation also enables City Council to review proposed alterations or demolitions to the property and enforce heritage property standards and maintenance.

### **Background Information**

(January 25, 2023) Revised Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 835 and 839 Yonge 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-234549.pdf>

(January 25, 2023) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 835 and 839 Yonge 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-234143.pdf>

Staff Presentation - 835 and 839 Yonge 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-234527.pdf>

### **Communications**

(February 15, 2023) Letter from Jessie Dhaliwal, Cassels Brock and Blackwell LLP (PB.Supp)

<https://www.toronto.ca/legdocs/mmis/2023/pb/comm/communicationfile-165851.pdf>

### **Speakers**

Dan Eylon, ERA Architects Inc.