

Toronto Preservation Board

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

PB3.9	ACTION	Adopted		Ward: 13
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51 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 51 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 51 Yonge Street (Reasons for Designation) attached as Attachment 3, to the report, February 13, 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.

Origin

(February 13, 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 [PB3.9](#) and made recommendations to City Council.

Summary from the report (February 13, 2023) from the Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council state its intention to designate the property at 51 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value.

The property at 51 Yonge Street comprises a four-storey commercial building located on the east side of Yonge Street, north of Wellington Street East. The building is believed to date to c.1878-1879, although the underlying structure may date to 1847. Designed in the Second Empire style, the building has historical and architectural links to the Bank of British North America building at 49 Yonge Street. Through the years, the property housed a series of commercial tenants, notably including the Commercial Travellers' Association of Canada from 1891 to 1956.

City Council included the subject property on the City of Toronto's Heritage Register in 1981. The property is adjacent to 49 Yonge Street, which was designated under Part IV of the Ontario Heritage Act in 1979.

Staff have completed the Research and Evaluation Report for the property at 51 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, on the basis of its design/physical, historical/associative, and contextual values. As such, the property is a significant built heritage resource.

In September 2022, the City received a Site Plan Approval application related to proposed redevelopment of the subject property. The proposal would include a 60-storey mixed-use building having a non-residential gross floor area of 1757 square metres and a residential gross floor area of 19970 square metres, comprising 256 dwelling units. This development would involve the addition of a high-rise structure above the existing buildings at 49 and 51 Yonge Street, the removal of a portion of the stone wall along Wellington Street East, and alterations to the buildings' interiors.

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. GBCA Architects prepared an HIA that was submitted in November 2021 and resubmitted in August 2022.

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 March 4, 2022. The property owner provided a waiver to extend indefinitely the 90-day timeline established under Bill 108.

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 which amended the Ontario Heritage Act 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.

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

Background Information

(February 13, 2023) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 51 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-234515.pdf>)