

---

## 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

PB3.3	ACTION	Adopted		Ward: 13
-------	--------	---------	--	----------

### **401 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 401 Yonge Street (including entrance addresses at 403 and 405 A Yonge Street) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 401 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**

Clint Robertson, Planner, Heritage Preservation, Urban Design, City Planning gave a presentation on 401 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 [PB3.3](#) 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 property at 401 Yonge Street (including entrance addresses at 403 and 405 A Yonge Street) under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value.

The property at 401 Yonge Street (including the entrance addresses of 403 and 405 A Yonge Street) is located midblock, slightly north of the northeast corner of Yonge and Gerrard Streets. The subject property originally comprised of a three-storey building that was commissioned by the grocer and merchant Joseph Bickerstaff. Constructed in 1873, the structure is a surviving rare and early example of a commercial building in Toronto designed by William Stewart (1832-1907), a significant architect who practised in Toronto c. 1872-1885 and later became a leading and prolific architect in Hamilton. Stewart's buildings have been recognized by the municipal and federal governments including the commercial Victoria Hall (1887), a National Historic Site located opposite Gore Park in downtown Hamilton and a Second Empire-style commercial building at 506-514 Queen Street West (1874) located within the Queen West Heritage Conservation District.

In 1974, City of Toronto Council listed the property on the City of Toronto's Heritage Register. The property has contributed to Yonge Street's historic character for 150 years. The façade of the Italianate style building was conserved in situ in 2014 when a new structure was built behind. The property is in close proximity to numerous Heritage Register properties along Yonge Street and the area which have been recognized for their cultural heritage value with listing or designated under Part IV, Section 29 of the Ontario Heritage Act.

Staff have completed the Research and Evaluation Report for the property at 401 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 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.

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.

In July 2022, the City received a Zoning By-law Amendment application related to proposed redevelopment of the subject property with a 76-storey tower along Yonge Street. The proposed development will retain the façade of the historic 1873 building.

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. A revised HIA, dated June 15, 2022, completed by GBCA Architects Inc. was submitted to support the application.

The City Clerk issued a complete application notice on September 12, 2022. The property owner provided a waiver to extend the Prescribed Event 90-day timeline until April 14, 2023. Council must make its decision at its March 29-31 meeting to provide sufficient time for the 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 this Prescribed Event since it occurred prior to January 1, 2023. The property has been on the City's Heritage Register since 1974.

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.

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

## **Background Information**

(January 25, 2023) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - 401 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-234184.pdf>

Staff Presentation - 401 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-234528.pdf>

## **Communications**

(February 15, 2023) Letter from Adam J. Brown, Sherman Brown, Barristers and Solicitors (PB.Supp)

<https://www.toronto.ca/legdocs/mmis/2023/pb/comm/communicationfile-165852.pdf>

(February 16, 2023) E-mail from Adam Wynne (PB.New)

## **Speakers**

Adam Wynne