

## **15 Elm Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act**

**Date:** April 12, 2023

**To:** Planning and Housing Committee

**From:** Chief Planner and Executive Director, City Planning

**Wards:** 11 - University-Rosedale

### **SUMMARY**

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This report recommends that City Council state its intention to designate the property at 15 Elm Street under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value for its design, associative and contextual values.

Located on the south side of Elm Street between Yonge and Bay streets, the property at 15 Elm Street contains a 2-storey house-form building completed by 1868. The Georgian Revival style property represents a rare surviving example of a Confederation-era house-form building and is part of a broader collection of 19th-century dwellings adapted at street level in the early-20th century to accommodate commercial storefronts. This residential/commercial mixed-use typology continues to define the south side of Elm Street between Yonge and Bay Streets within the city's historic St. John's Ward "The Ward" neighbourhood. On the north side of Elm Street, the Richardsonian Romanesque St. George's Hall (Arts & Letters Club) and the YMCA, both completed in 1891 and located at 14 and 18 Elm Street, respectively, are designated under the Ontario Heritage Act and complete the remaining heritage building stock from this early period at the east end of Elm Street. Together, this 19th-century collection of various historic building types and uses speaks to the uniqueness of Elm Street – a destination for locals and visitors alike.

On September 13, 2022, the City received a Zoning By-law Amendment application to redevelop the subject site by demolishing the existing buildings at 15 and 17 Elm Street and constructing a new 30-storey mixed use building. The redevelopment proposes 174 dwelling units resulting in a total of 14,163 sq. m of residential gross floor area (GFA) and 200 sq. m of non-residential GFA which results in a total Floor Space Index (FSI) of 18.12. (22 202864 STE 11 OZ).

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. The property is not listed on the Heritage Register,

however, a Cultural Heritage Evaluation Report (CHER) completed by ERA Architects Inc. and dated December 22, 2022 was submitted to support the application.

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 November 10, 2022.

The property owner has provided a waiver to extend the 90-day timeline established under Bill 108 through May 26, 2023. As such, City Council must make a decision at its May 10, 2023 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.

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 came into 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.

## **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that:

1. City Council state its intention to designate the property at 15 Elm Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of

Significance: 15 Elm Street (Reasons for Designation) attached as Attachment 3 to the report (April 12, 2023) from the Chief Planner and Executive Director, 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.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

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In 2017 Planning staff commenced a review of the area planning framework and the existing and planned built form context for the area approximately bounded by: Bay, Elm, Yonge and Gerrard, (the "Focus Area"). The Focus Area review will consider land use and built form issues within the block and along the south side of Elm Street with additional studies to include a heritage survey. A status update on the Yonge and Gerrard Focus Area Review was considered by Toronto and East York Community Council on September 6, 2017.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.59>

On July 23-30, 2018, City Council adopted the preliminary findings of a city-initiated Official Plan Amendment which is intended is to clarify, through enhanced study, the existing view protection policies in the Official Plan as they affect the silhouette views associated with City Hall, Old City Hall and St. James Cathedral. City Council directed the Chief Planner and Executive Director, City Planning to use the proposed Policies and Diagrams contained in Attachments 1, 2 and 3 to the report Page 6 of 61 Alterations, Designation and Heritage Easement Agreement – 8 Elm Street and 348-350 Yonge Street (June 27, 2018) from the Acting Director, Community Planning, Toronto and East York District to inform the evaluation of current and future development applications in the surrounding area.

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

## **BACKGROUND**

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### **Heritage Planning Framework**

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place, economic prosperity, and healthy and equitable communities. Heritage conservation in Ontario is identified as a provincial interest under the Planning Act. Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth under the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Heritage Conservation is

enabled through the Ontario Heritage Act. The City of Toronto's Official Plan implements the provincial policy regime, the Planning Act, the Ontario Heritage Act and provides policies to guide decision making within the city.

Good planning within the provincial and municipal policy framework has at its foundation an understanding and appreciation for places of historic significance, and ensures the conservation of these resources are to be balanced with other provincial interests. Heritage resources may include buildings, structures, monuments, and geographic areas that have cultural heritage value or interest to a community, including an Indigenous community.

The Planning Act establishes the foundation for land use planning in Ontario, describing how land can be controlled and by whom. Section 2 of the Planning Act identifies heritage conservation as a matter of provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, historical, archaeological or scientific interest. Heritage conservation contributes to other matters of provincial interest, including the promotion of built form that is well-designed, and that encourages a sense of place.

The Planning Act requires that all decisions affecting land use planning matters shall conform to the Growth Plan and shall be consistent with the Provincial Policy Statement, both of which position heritage as a key component in supporting key provincial principles and interests.

<https://www.ontario.ca/laws/statute/90p13>

The Provincial Policy Statement provides policy direction on land use planning in Ontario and is to be used by municipalities in the development of their official plans and to guide and inform decisions on planning matters, which shall be consistent with the Provincial Policy Statement. The Provincial Policy Statement articulates how and why heritage conservation is a component of good planning, explicitly requiring the conservation of cultural heritage and archaeological resources, alongside the pursuit of other provincial interests. The Provincial Policy Statement does so by linking heritage conservation to key policy directives, including building strong healthy communities, the wise use and management of resources, and protecting health and safety.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development states that long-term economic prosperity is supported by, among other considerations, the promotion of well-designed built form and cultural planning, and the conservation of features that help define character. Section 2.6 Cultural Heritage and Archaeology subsequently directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Through the definition of conserved, built heritage resources, cultural heritage landscape and protected heritage property, the Provincial Policy Statement identifies the Ontario Heritage Act as the primary legislation through which heritage conservation will be implemented.

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) builds on the Provincial Policy Statement to establish a land use planning framework that supports complete communities, a thriving economy, a clean and healthy environment and social equity. Section 1.2.1 Guiding Principles states that policies in the plan seek to, among other principles, "conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities". Cultural heritage resources are understood as being irreplaceable, and are significant features that provide people with a sense of place. Section 4.2.7 Cultural Heritage Resources directs that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

<https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>

The Ontario Heritage Act is the key provincial legislation for the conservation of cultural heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through listing on the City's Heritage Register, designation of individual properties under Part IV of the Ontario Heritage Act, or designation of districts under Part V of the Ontario Heritage Act.

Section 27 of the Ontario Heritage Act gives municipalities the authority to maintain and add to a publicly accessible heritage register. The City of Toronto's Heritage Register includes individual heritage properties that have been designated under Part IV, Section 29, properties in a heritage conservation district designated under Part V, Section 41 of the Act as well as properties that have not been designated but City Council believes to be of "cultural heritage value or interest."

<https://www.ontario.ca/laws/statute/90o18>

Ontario Regulation 9/06 sets out the criteria for evaluating properties to be designated under Part IV, Section 29 of the Ontario Heritage Act. The criteria are based on an evaluation of design/physical value, historical and associative value and contextual value. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest.

<https://www.ontario.ca/laws/regulation/060009>

The Ontario Heritage Toolkit provides guidance on designating properties of municipal significance, including direction on the purpose of designating heritage properties and information about how the Provincial Policy Statement and the Ontario Heritage Act provide a framework for the conservation of heritage properties within the land use planning system.

[http://www.mtc.gov.on.ca/en/heritage/heritage\\_toolkit.shtml](http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml)

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 various sections of the Ontario Heritage Act. A majority of the key changes to the Act came into effect on January 1, 2023.

The City of Toronto's Official Plan contains a number of policies related to properties on the City's Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating the integral role that heritage conservation plays in successful city-building, Section 3.1.6 of the Official Plan states that, "Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable City that can contribute to other social, cultural, economic and environmental goals of the City."

Policy 3.1.6.4 states that heritage resources on the City's Heritage Register "will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

Policy 3.1.6.6 encourages the adaptive re-use of heritage properties while Policy 3.1.6.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts on it.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

## **COMMENTS**

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Heritage Planning received a nomination for the subject property for designation under Part IV, Section 29 of the Ontario Heritage Act in October 2022.

### **15 Elm Street**

#### **Research and Evaluation according to Ontario Regulation 9/06**

While the research and evaluation of the property referenced above is, in Staff's determination, sufficient to support the designation of the property at 15 Elm Street, it should be noted that new and additional relevant information on the subject property further expanding on its cultural heritage value following community input and additional access to archival records may be incorporated in the final version of a Part IV designation by-law.



## 1. DESCRIPTION

| 15 ELM STREET                 |                                      |
|-------------------------------|--------------------------------------|
| ADDRESS                       | 15 Elm Street                        |
| WARD                          | University-Rosedale - 11             |
| LEGAL DESCRIPTION             | PLAN D36 Pt Lot 1                    |
| NEIGHBOURHOOD/COMMUNITY       | Yonge-Bay Corridor                   |
| HISTORICAL NAME               | N/A                                  |
| CONSTRUCTION DATE             | 1868                                 |
| ORIGINAL OWNER                | Robert Kennedy, bricklayer           |
| ORIGINAL USE                  | Residential: Single Family           |
| CURRENT USE*                  | Residential with Commercial at grade |
| ARCHITECT/BUILDER/DESIGNER    | Robert Kennedy, attributed           |
| DESIGN/CONSTRUCTION/MATERIALS | See Section 2                        |
| ARCHITECTURAL STYLE           | See Section 2                        |
| ADDITIONS/ALTERATIONS         | See Section 2                        |
| CRITERIA                      | Design, associative and contextual   |
| HERITAGE STATUS               | N/A                                  |
| RECORDER                      | Heritage Planning: Liz McFarland     |
| REPORT DATE                   | March 2023                           |

## 2. BACKGROUND

This research and evaluation section of the report describes the history, architecture and context of the property at 15 Elm Street, and applies evaluation criteria as set out in Ontario Regulation 9/06 to determine whether it merits designation under Part IV, Section 29 of the Act. A property may be designated under Section 29 of the Act if it

meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest. The application of the criteria is found in Section 3 (Evaluation Checklist). The conclusions of the research and evaluation are found in the Conclusion of the report. Maps and Photographs are located in Attachment 1. The archival and contemporary sources for the research are found in Attachment 2. The Statement of Significance is contained in Attachment 3.

## i. HISTORICAL TIMELINE

| Key Date    | Historical Event   |
|-------------|--|
|             | The area now known as the City of Toronto is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and is now home to many diverse First Nations, Inuit and Métis peoples. Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit (1805), and the Williams Treaties (1923) signed with multiple Mississaugas and Chippewa bands. |
| 1837        | Following his emigration from Scotland, James Fleming, acquires a portion of land on the block today bound by Yonge, Elm, Bay and Walton Streets where he built his home and greenhouses to establish his business as a seedsman and florist   |
| 1867 Oct    | Land Registry Records indicate that James Fleming grants Lot 1 of Plan D36 on the south side of Elm Street to Robert Kennedy, bricklayer, for \$420. <sup>1</sup>  |
| 1868        | According to the City Directory and tax assessment rolls, the house-form building at 9 Elm Street (now 15 Elm Street) is constructed.  |
| 1871        | According to the 1872 City Directory (containing information gathered in the previous year), Elm Street was renumbered and 9 Elm Street assumed the municipal address of 15 Elm Street.  |
| 1880        | The property at 15 Elm Street was divided into two properties with the municipal addresses of 15 and 17 Elm Street, as can be seen on the Goad's Fire Insurance Plan for this year (Image 2)   |
| 1894        | The property at 15 Elm Street is granted to Charles Kennedy, following the death of Robert, who had owned the property for over 25 years.  |
| 1922-1924   | The ground floor level of the house-form building is converted to a commercial storefront with separate entrance to the residential space above  |
| 1924        | Goad's Historical map indicates that the remaining lots on the south side of Elm have been filled in, as well as the masonry addition to the rear of 15 Elm Street (Image 3)   |
| 1952 Oct 16 | Archival photos looking east along the south side of Elm toward Yonge Street show the subject property largely as it appears today (Images 4 and 5)  |

<sup>1</sup> The subject property at 15 Elm Street would be built on the western portion of Lot 1.



|              |  |
|--------------|--|
| 1978-1980    | An archival photo looking east along the south side of Elm shows the 19th-century properties east of 15 Elm, which now contains an electronics store at street level and the Fraternal Oder of Eagles property at 17 Elm Street at right (Image 6) |
| 2014         | TLP Sandwich Co, a take-out off-shoot of the famous Barberian's Steak House at 7 Elm Street, occupied the subject property until 2020  |
| 2020-present | The subject property is currently occupied by Elm Street Italian Delicatessen  |

## ii. HISTORICAL BACKGROUND

The following section outlines the history and facts related to the properties which are the basis for determining historical or associative value of Criteria 4, 5 or 6 according to O. Reg. 9/06 Criteria.

### The Ward

The subject property is located within Park Lot 9, patented by Dr. James Macaulay (1759 - 1822) on September 1, 1797. Park Lot 9 extended from present-day Queen Street to Bloor Street and was bounded by Yonge Street to the east and Bay Street to the west. Born in Scotland in 1759, Macaulay was a surgeon with Simcoe's regiment during the American Revolution. Macaulay originally was granted Park Lot 10 in 1793.<sup>2</sup> In 1797, Macaulay switched his grant for Park Lot 9, and Park Lot 10 went to Chief Justice John Elmsley. In 1799, Macaulay and Elmsley divided their two lots into northern and southern halves and Macaulay assumed the southern portion of Park Lots 9 and 10, bounded by present-day Queen Street, Yonge Street, Chestnut Street, and College Street.<sup>3</sup> By 1818, Macaulay had built a house just north of Queen Street called "Teraulay Cottage" with Taddle Creek coursing south of the house and gardens.<sup>4</sup>

Following the passing of James Macaulay in 1822, his two sons began subdividing the property. John Simcoe Macaulay received the southern portion of the property fronting on Lot Street and James Buchanan Macaulay received a parcel at the north end of the estate. By 1833, John Simcoe Macaulay's subdivided lands became York's first working-class housing subdivision, with the portion north of present-day Queen Street initially known as "Macaulay Town" (or "Macaulaytown").<sup>5</sup> In 1834, the Town of York incorporated as the City of Toronto and Macaulay Town became part of the new St. John's Ward with the ward boundaries at present-day Bloor Street, Yonge Street, Queen Street, and University Avenue. Shortly after the formation of St. John's Ward, the area south of College St became known as "The Ward" with predominantly Protestant, working-class inhabitants.<sup>6</sup> James Fleming, a gardener and businessman, acquired the

<sup>2</sup> "Teraulay Cottage, The Church of the Holy Trinity and Henry Scadding's House," Lost Rivers, accessed November 23, 2021, <http://www.lostrivers.ca/points/macaulay.htm>

<sup>3</sup> Smith, Wendy. "The Toronto Park Lot Project." The Toronto Park Lot Project by Wendy Smith, 2012.

<sup>4</sup> "Teraulay Cottage" Lost Rivers

<sup>5</sup> John Lorinc et al., *The Ward: The Life and Loss of Toronto's First Immigrant Neighbourhood* (Toronto, ON: Coach House Books, 2015).

<sup>6</sup> John Lorinc et al., "The Ward." 2015.

majority of lands west of Yonge Street between Elm Street and Walton Street, for his nursery and gardens which were established in 1837. (Image of Fleming)

Immigration was a large driver of population growth within The Ward. The Irish potato famine of 1847 prompted mass emigration from Ireland, and 38,000 Irish migrants arrived in Toronto that same year. There was migration of formerly enslaved people from the United States of America into Southwest Ontario. The Black community had connections to the Underground Railway, which was an informal network of people and safe houses to help enslaved peoples escape slavery. Many Black people that were formerly enslaved settled in The Ward. Between 1856 and 1861, Toronto had a population of 47,000, and half of its 1,000 Black residents lived in the southern section of The Ward. Two churches were constructed in The Ward to serve the growing Black community: the British Methodist Episcopal church at 94 Chestnut Street and the Agnes Street Baptist Church at the northeast corner of Bay and Dundas Street.<sup>7</sup>

In 1869, the Ontario Seminary was erected on Lot 2-4 (now 17 Elm Street) on the grounds of James Fleming, who still operated a nursery and gardens at the rear of 15 Elm Street and the Ontario Seminary. By 1876, the Fleming lands would be fully residential, excluding the seminary. By the early 1880s, streets lined with house-form buildings had expanded north to College Street and many institutions had been built just outside The Ward's boundaries including University College, the Ontario Legislature, and the Victoria Hospital for Sick Children. In the same period, Italian migrants began arriving in Toronto and settling around Edward Street and Chestnut Street.

Between 1871 and 1911, Toronto's population grew from 56,000 to 376,000. In 1911, the population of The Ward was 11,000 which increased to 17,000 in 1918.<sup>8</sup> To promote the standardization of health regulations, Toronto medical officer of health Dr. Charles Hasting had the city photographer Arthur Goss document the conditions of The Ward. The published photos ignited a moral panic about the living conditions and inhabitants of the neighbourhood as many of the Ward's residents lived in overcrowded conditions with no indoor plumbing or toilets. In the 1920s, The Ward underwent ethnic succession as Jewish communities moved to Kensington Market, and The Ward became home to many Chinese migrants, businesses, and communities centred at Dundas and Elizabeth Street (known presently as "Old Chinatown").

Starting in the 1920s, house-form buildings on the south side of Elm Street between Yonge Street and Bay Street were converted to mixed commercial and residential uses.

In 1934, Ontario's Lieutenant Governor Herbert Bruce led a Royal Commission that recommended the demolition of Toronto's worst slums district.<sup>9</sup> During the post-war period, The Ward became part of Toronto's first designated urban renewal study area, with the southern portion of the lands already expropriated for the construction of new City Hall in the late 1940s.

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7 John Lorinc et al., "The Ward." 2015.

8 John Lorinc et al., "The Ward." 2015.

9 John Lorinc et al., "The Ward." 2015.

In 1954, the Yonge Subway Line was constructed and Dundas Station opened south of the Site. By 1958, two-thirds of Old Chinatown south of the Site was expropriated and demolished. The Chinese community moved either west to Spadina Avenue and Dundas Street, east to Broadview Avenue and Gerrard Street, or into the new suburban communities of Metropolitan Toronto. Following the construction of the new City Hall in 1965, concerns of further expropriation drove community members to organize and save what remains of Old Chinatown. By the 1970s, a number of high-rise buildings were constructed in the area that included a mix of uses in the lower levels with hotel, residential, or office uses on upper levels. The process of land assembly and demolition in the neighbourhood continued into the 1990s. Toronto's then mayor Barbara Hall reformed zoning in the 1990s to allow for mixed-use developments, which brought significant residential investment to the downtown, and which continues to this day. Since 2010, institutional development has affected the growth of the area, with the expansion of the Toronto Metropolitan University's ("TMU," formerly Ryerson University) campus east of the Site and investments in the University Health Network west of the Site.

### **Elm Street (Yonge to Bay streets) and 15 Elm**

Between 1867 and 1868, James Fleming subdivided his lands on the south side of Elm Street into 18 lots. Robert Kennedy, a bricklayer, purchased Lot 1 (which is now 15 Elm Street) in October 1867.<sup>10</sup> The current 2-storey, masonry house-form building was completed on the subject property the following year and followed the built evolution of the south side of Elm Street moving west from Yonge Street where a collection of residential properties constructed between the mid-to-late 19th century shared a similar scale and setback. According to City Directories, Kennedy resided at this location until 1886. Following his death, Robert's son Charles was granted the property in 1894.<sup>11</sup>

On the north side of Elm Street and following James Fleming's death in 1887, the estate executors commissioned the construction of a commercial building on the site at 8-12 Elm Street and called it, appropriately, the James Fleming Building. A second lot on Elm Street was purchased by the YWCA and construction started in 1890 on 18 Elm Street designed by architects Herbert Bauld Gordon and Grant Helliwell. The Romanesque Revival style building opened in 1891 and is today The Elmwood Club. Coincidentally it had been determined by the Management Committee of the St. George's Society (founded 1834) in early 1888 that increased membership warranted a dedicated club house. The Society, a thriving benevolent society, had been using various rental locations for its larger meetings. On May 31, 1888, the St. George's Society purchased a portion of what had been the site of James Fleming's greenhouse and gardens.<sup>12</sup> (Images 7 and 8)

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10 Ontario Land Registry, Book #606 (Plan D36 Lot 1). Kennedy paid \$420 for the property. Considering his occupation, Kennedy was likely the builder at 15 Elm Street, though this cannot be confirmed in the available historical record.

11 Land Registry Records. It is not clear from the available historical record until what year the Kennedy family owned the property at 15 Elm Street.

12 Russell, The Arts and Letters Club, 2022.

In the early 1920s, the first storey of the principal (north) elevation at 15 Elm Street was altered to accommodate a glazed storefront and off-set residential entrance to the residential space above. Subsequent alterations and additions (to the rear of the property only) included a two-storey south addition to the original house-form building and an abutting warehouse structure.

Over the past 50 years, the subject block of Elm Street between Yonge and Bay has enjoyed a renowned restaurant scene. One of the most famous and longest-standing being Barberian's Steak House at 7-9 Elm Street. The semi-detached house-form building was built in the same year as the subject property at 15 Elm Street and opened as Barberian's in 1959.<sup>13</sup> (Images 9-10)

The subject property at 15 Elm Street has seen many occupants including those involved in the trades, electronics and food industry.<sup>14</sup> In 2014, Harry Barberian's son opened TLP Sandwich Co at 15 Elm Street which served as a take-out version of the famous restaurant. (Images 6-8) The Elm Street Italian Delicatessen has occupied the space since 2020.

Today, the late-19th century collection of grand Romanesque Revival sandstone buildings (8-18 Elm Street) located on the north side of the street and directly across from the numerous 2-3 storey brick house-form buildings on the south (including the subject property at 15 Elm Street) collectively provide this block of Elm Street with its unique sense of place. (Image 11)

### **iii. ARCHITECTURAL DESCRIPTION**

The following section provides an architectural description and analysis related to the property which will establish the basis for determining design or physical value of Criteria 1, 2 or 3 according to O. Reg. 9/06 Criteria.

The property at 15 Elm Street represents a remaining 1860s Confederation-era house-form building, a typology that once defined much of The Ward neighbourhood. Its rectangular-shaped plan set on a rubble stone foundation presents a typical Georgian Revival style, two-storey, two-bay principal (north) elevation surmounted by a gable roof. Georgian Revival styling is evident in the red brick (currently painted) and the symmetrically-placed window openings on the upper level with their brick headers. The retail storefront at street level on the current building is an alteration to the original dwelling dating to the early 1920s and reflects the then emerging mixed-use character of many 19th-century house-form buildings to create a residential/commercial mixed-use typology that continues to define the south side of Elm Street today. The rear (south) elevation of the property contains additions and alterations to the original house-form building that are not considered of cultural heritage value. (Images 12-20)

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<sup>13</sup> Late owner and founder of the steak house, Harry Barberian, is formally recognized by the City and community today with the mid-19th century lane adjacent to 15 Elm Street named after the local restaurateur.

<sup>14</sup> Toronto City Directories, 1868ff.

#### iv. CONTEXT

The following section provides contextual information and analysis related to the property which is the basis for determining contextual value of Criteria 7, 8 or 9 according to O. Reg. 9/06 Criteria.

The City of Toronto Property Data Map attached as Image 1 (Attachment 1) shows the site of the property at 15 Elm Street.

The area surrounding the subject property is a mixed-use neighbourhood consisting of residential and/or commercial and institutional buildings dating from the second half of the 19th century and some infill development during the second half of the 20th century. Historically located within The Ward, one of Toronto's most important neighbourhoods in the 1840s-1950s, the property at 15 Elm Street forms part of the collection of late-19th century house-form buildings that maintain this historic context on the south side of Elm Street today, including the row of seven Part IV Designated heritage properties at 31-43 Elm Street. The block of Elm Street west of Bay toward Elizabeth Street shares a similar history on its south side with its row of house-form dwellings (many with retail space at grade) also dating to this period and already included on the City's Heritage Register. On the north side of Elm Street, directly across from the subject property stands the Richardsonian Romanesque-style Arts & Letters Club and St. George's Hall complete the remaining heritage building stock from this early period at the east end of Elm Street, while the former House of Industry at 87 Elm Street bookends the collection west of Elizabeth Street. Together, this 19th century collection of various historic building types and uses speaks to the uniqueness of Elm Street in downtown Toronto – a destination for locals and visitors alike. (Images 21-26)

The subject property is located within the 2017 City-initiated Yonge and Gerrard Focus Area Review conducted by City Planning.

### 3. EVALUATION AND APPLICATION OF O.REG 9/06 CRITERIA

The following evaluation applies Ontario Regulation 9/06 made under the Act: Criteria for Determining Cultural Heritage Value or Interest. The criteria are prescribed for municipal designation under Part IV, Section 29 of the Act, and the City of Toronto is also required to use these criteria when assessing properties for inclusion on the City of Toronto's Heritage Register. There are a total of nine criteria under O. Reg 9/06. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria for determining whether it is of cultural heritage value or interest. The evaluation table is marked "N/A" if the criterion is "not applicable" to the property or "✓" if it is applicable to the property, with explanatory text below.

#### DESIGN OR PHYSICAL VALUE

|  |     |
|--|-----|
| The property has design value or physical value because it   |     |
| 1. is a rare, unique, representative or early example of a style, type, expression, material or construction method. | ✓   |
| 2. displays high degree of craftsmanship or artistic merit   | N/A |
| 3. demonstrates high degree of scientific or technical achievement   | N/A |

*Rare, representative and early example of a style and type*

Built in 1868, the property at 15 Elm Street is valued as a remaining example of a Confederation-era house-form building designed in the Georgian Revival style which is evident in its red brick construction, rubble stone foundation and brick, stone and wood detailing. The symmetrically-arranged openings on the upper storey of the principal (north) and east elevations contain masonry sills and segmental-arched brick headers in a soldier course pattern.

In 1922-1924, a storefront was added at street level with off-set entrance to the existing residential space above. The residential entrance maintains its wood and glass transom and door surround. This residential/commercial mixed-use type of house-form buildings is considered a defining feature of the south side of Elm Street today.

**HISTORICAL OR ASSOCIATIVE VALUE**

|  |     |
|--|-----|
| The property has historical value or associative value because it  |     |
| 4. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community | N/A |
| 5. yields, or has the potential to yield, information that contributes to an understanding of a community or culture                     | ✓   |
| 6. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community   | N/A |

*Yields, or has the potential to yield, information that contributes to an understanding of a community or culture*

The property is significant as one of the earliest (Confederation-era) surviving house-form buildings constructed on the south side of Elm Street between Yonge and Bay streets in 1868. Since the mid-19th century, Elm Street has continued to provide an understanding of the built form of Toronto's first immigrant neighbourhood, The Ward.

**CONTEXTUAL VALUE**

|   |     |
|---|-----|
| The property has contextual value because it is                                   |     |
| 7. important in defining, maintaining or supporting the character of an area.     | ✓   |
| 8. physically, functionally, visually or historically linked to its surroundings. | ✓   |
| 9. a landmark.  | N/A |

*Important in defining, maintaining or supporting the character of an area*

The property at 15 Elm Street, embodies part of a significant collection of 19th-century house-form buildings representative of this early period of land development on the block of Elm Street between Yonge and Bay streets within the city's historically significant St. John's Ward ("The Ward"), and part of the collection of diverse 19th-century building types and uses that have contributed to the unique quality of Elm Street today.

### *Physically, functionally, visually or historically linked to its surroundings*

Within the context of a neighbourhood originally developed with mainly residential properties in the mid-to-late 19th century, and on the south side of Elm Street between Yonge and Bay where numerous properties of similar type, scale, placement and setback are already recognized on the City's Heritage Register, the subject property at 15 Elm Street is valued for its historic, physical and visual links to its surroundings for more than 150 years.

## **CONCLUSION**

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Staff have completed the Research and Evaluation Report for the property at 15 Elm Street and determined that the property meets 4 out of 9 criteria in Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Act. As such, the property should be designated.

Located on the south side of Elm Street between Yonge and Bay streets, the property at 15 Elm Street contains a 2-storey house-form building completed by 1868. The Georgian Revival style property represents a surviving example of a Confederation-era house-form building and is part of a broader collection of 19th-century dwellings adapted at street level in the early-20th century to accommodate commercial storefronts. This residential/commercial mixed-use typology continues to define the south side of Elm Street between Yonge and Bay Streets within the city's historic St. John's Ward neighbourhood.

The Statement of Significance (Attachment 3) 15 Elm Street, comprises the Reasons for Designation, which is the Public Notice of Intention to Designate.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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Attachment 1 – Maps and Photographs

Attachment 2 – List of Research Sources

Attachment 3 – Statement of Significance (Reasons for Designation) – 15 Elm Street





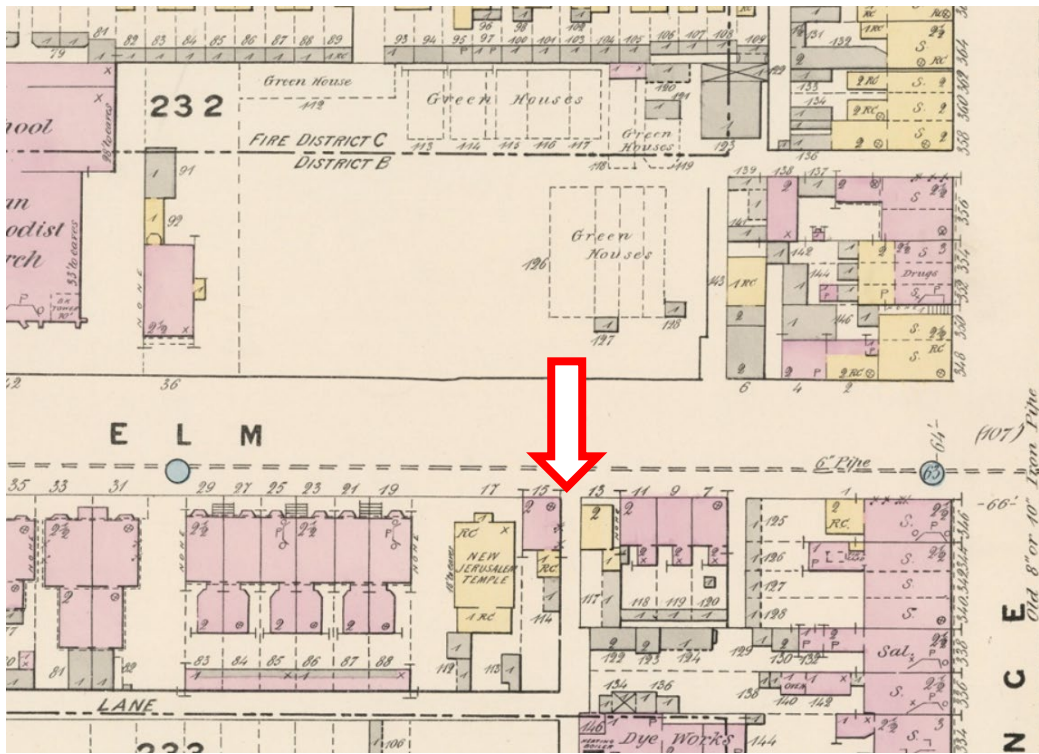


Image 2. 1880 Goad's Fire Insurance Plan showing the residential character of the south side of Elm Street west of Yonge, which is nearly fully developed with brick house-form properties. The arrow indicates the property at 15 Elm Street. (Ng)

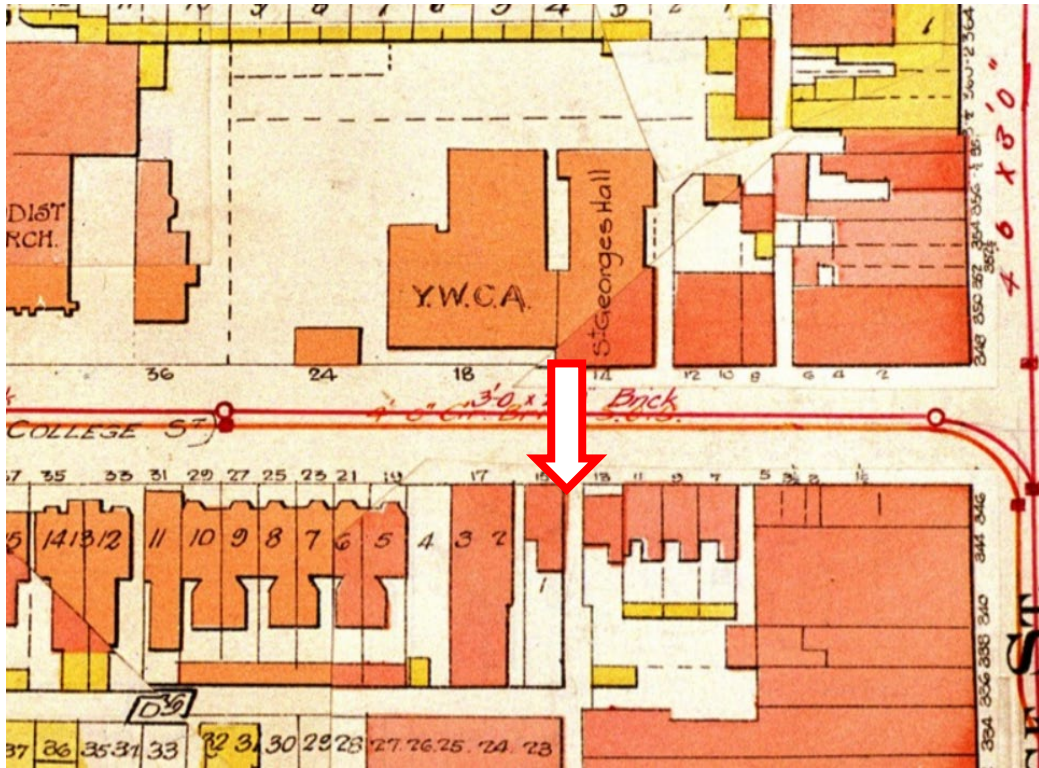


Image 3. 1924 Goad's Historical Atlas Map showing that the south side of Elm is now fully built out with brick dwellings while the grand YWCA and St. George's Hall buildings have replaced the nurseries and gardens on the north side of the street. (Ng)



City of Toronto Archives, Series 372, s0372\_ss0058\_it2375

Image 4. 1952 archival photo looking east on Elm Street toward Yonge from mid-block. The subject property is indicated by the arrow at right. (City of Toronto Archives)



Image 5. 1952 archival photo looking east on Elm Street toward Yonge from Bay Street. The subject property is indicated by the arrow at right. (City of Toronto Archives)



Image 6. 1978-1980 archival photo looking southeast and showing the subject property at centre with other 19th-century properties at left and the 1920s property at 17 Elm at right. (City of Toronto Archives)



Image 7. James Fleming c. 1880, age 68 years (City of Toronto Archives)



Image 8. Fleming Nursery, Elm St. c. 1865. Looking northwest. Photo by Octavius Thompson, (City of Toronto Archives)



Image 9. 1980 article showcasing the popular restaurant scene on Elm Street. (Adair)

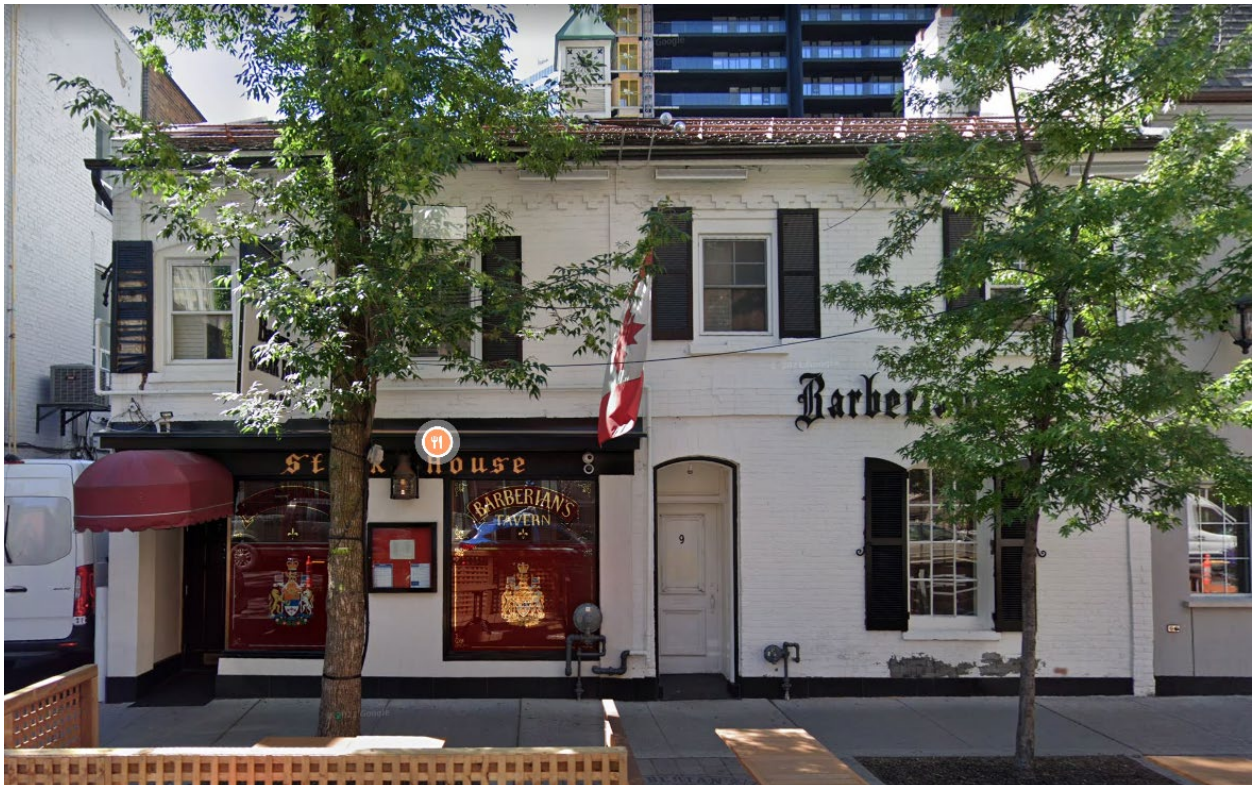


Image 10. Current photo of 7-9 Elm Street, a Confederation-era building adjacent to 15 Elm and home to Barberian's Steak House since 1959. (Heritage Planning, 2021)



Image 11. Current photo looking northeast at the collection of late-19th century heritage buildings located on the north side of Elm just west of Yonge, including (from left to right) the YWCA (now The Elmwood), St. George's Hall (now The Arts and Letters Club) and the James Fleming Buildings. (Heritage Planning, 2019)



Image 12. Early 1990s archival photo looking southwest and showing the subject property at centre. (City of Toronto Archives)



Image 13. Early 1990s archival photo looking south at the principal (north) and east elevations of 15 Elm Street (City of Toronto Archives)

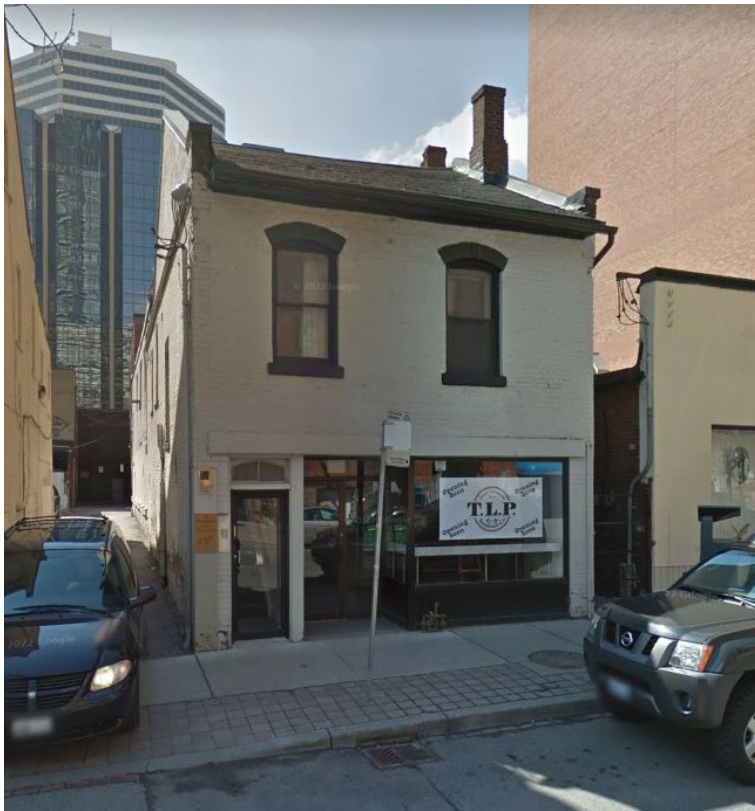


Image 14. 2014 image of 15 Elm Street when TLP Sandwich Co opened in the ground level commercial storefront. (Google)



Image 15. Current photo showing the principal (north) elevation of 15 Elm Street (Heritage Planning, 2023)





Images 16 and 17. Current photo showing the early 1920s wooden door surround and transom on the principal (north) elevation (left); and partial west elevation (right) (Heritage Planning, 2023)



Image 18. Current photo looking south and showing the east elevation with rear concrete block additions completed by 1947 and adjacent to Harry Barberian Lane (Heritage Planning, 2023)



Image 19. Current photo of the basement interior at 15 Elm Street showing the rubble stone foundation and wooden cross beams (ERA, 2022)

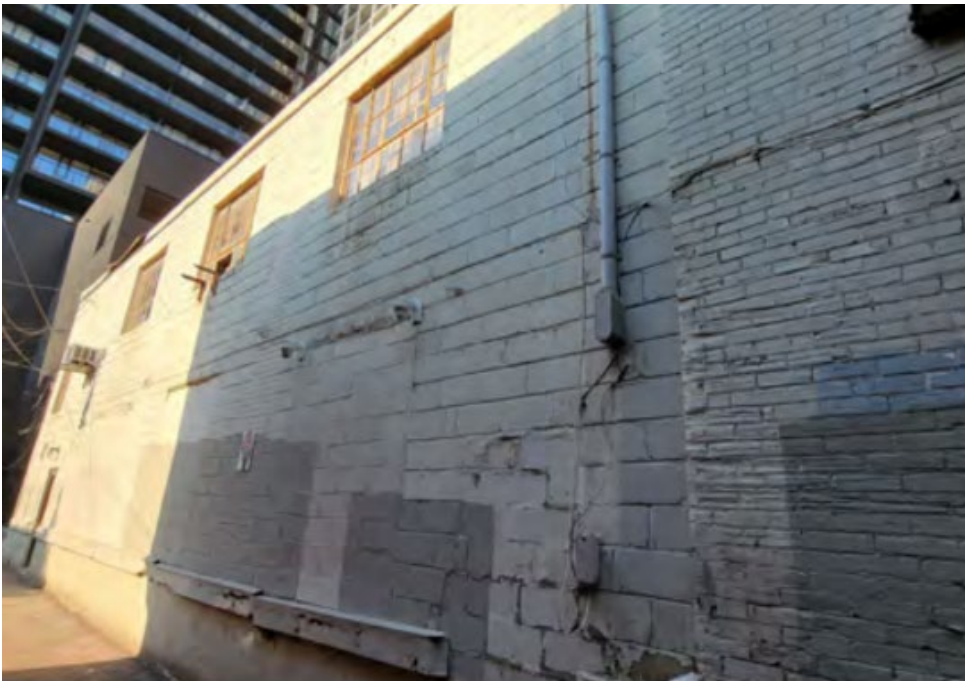


Image 20. Current photo showing the partial east elevation with the early-to-mid 20th century two-storey rear additions constructed of concrete block (ERA, 2022)



Image 21. Current contextual photo looking east along the south side of the street and showing the properties east of 15 Elm. (Heritage Planning, 2023)



Image 22. Current contextual photo looking west along the south side of the street. The arrow indicates the location of 15 Elm. (Heritage Planning, 2023)



Image 23. Current contextual photo looking east on Elm toward Yonge and showing The Elmwood and The Arts and Letters Club (St. George's Hall) on the north side of the street directly across from the subject property. (Heritage Planning, 2023)



Image 24. Current contextual photo looking west along Elm toward Bay from just west of Yonge. (Heritage Planning, 2023)



Image 25. Current contextual photo looking east along the south side of Elm Street and showing the collection of 19th century heritage properties located at 31-43 and 49 Elm Street. (Heritage Planning, 2023)



Image 26. Contextual photo looking west along Elm from the Ryerson Student Union Building (Heritage Planning, 2015)

### Archival Sources

- Abstract Index of Deeds, Plan D36 Lot 1
- Archival maps and atlases
- Archival Photographs, City of Toronto Archives
- City of Toronto Building Records
- City of Toronto Directories
- Toronto Public Library. Digital Archive

### Secondary Sources

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- Ng, Nathan. Historical Maps of Toronto. <http://oldtorontomaps.blogspot.ca/p/index-of-maps.html>
- Russell, Victor. The Arts and Letters Club: The Pre-History of 14 Elm Street (St. George's Hall) Club Archives, May 2022.
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- Ibid. Toronto's Architectural Gems - St. George's Hall - Arts and Letters Club. Historic Toronto. (Sept 28, 2013) <https://tayloronhistory.com/2013/09/28/torontos-architectural-gemsst-georges-hallarts-and-letters-club/>
- Ibid. Toronto's Architectural Gems - The Old YWCA at 18 Elm Street. Historic Toronto. (Oct 6, 2013) <https://tayloronhistory.com/2013/10/06/torontos-architectural-gemsthe-old-ywca-at-18-elm-st/>
- "Teraulay Cottage, The Church of the Holy Trinity and Henry Scadding's House." Lost Rivers. Accessed March 21, 2023. <http://www.lostrivers.ca/points/macaulay.htm>

**STATEMENT OF SIGNIFICANCE  
(REASONS FOR DESIGNATION)**

The property at 15 Elm Street is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the criteria of design and physical, historical and associative and contextual values.

**Description**

Located on the south side of Elm Street between Yonge and Bay streets in the city's first immigrant neighbourhood, The Ward, the property at 15 Elm Street contains a 2-storey house-form building completed by 1868 and first owned by Irish-Canadian bricklayer, Robert Kennedy, and family.

**Statement of Cultural Heritage Value****Design and Physical Value**

Built in 1868, the property at 15 Elm Street is valued as a remaining example of a Confederation-era house-form building designed in the Georgian Revival style which is evident in its red brick construction, rubble stone foundation and brick, stone and wood detailing. The symmetrically-arranged openings on the upper storey of the principal (north) and east elevations contain masonry sills and segmental-arched brick headers in a soldier course pattern.

In 1922-1924, a storefront was added at street level with off-set entrance to the existing residential space above. The residential entrance maintains its wood and glass transom and door surround. This resulting mixed use type of house-form buildings is considered a defining feature of the south side of Elm Street today.

**Historical and Associative Value**

The property is significant as one of the earliest (Confederation-era) surviving house-form buildings constructed on the south side of Elm Street between Yonge and Bay streets in 1868. Since the mid-19th century, Elm Street has continued to provide an understanding of the built form of Toronto's first immigrant neighbourhood, The Ward.

**Contextual Value**

The property at 15 Elm Street, embodies part of a significant collection of 19th-century house-form buildings representative of this early period of land development on the block of Elm Street between Yonge and Bay streets within the city's historically significant St. John's Ward ("The Ward"), and part of the collection of diverse 19th-century building types and uses that have contributed to the unique quality of Elm Street today.

Within the context of a neighbourhood originally developed with mainly residential properties in the mid-to-late 19th century, and on the south side of Elm Street between Yonge and Bay where numerous properties of similar type, scale, placement and setback are already recognized on the City's Heritage Register, the subject property at 15 Elm Street is valued for its historic, physical and visual links to its surroundings for more than 150 years.

## **Heritage Attributes**

### **Design and Physical Value**

Attributes that contribute to the value of the property at 15 Elm Street as representative of a Confederation-era house-form building designed in the Georgian Revival style include:

- The scale, form and massing of the red brick house-form building with its two-storey rectangular plan
- The rubble stone foundation
- The gable roof and two red brick chimneys located north and south of the gable peak at its western edge
- The principal (north) elevation of the building, which is organized into two bays
- The segmental-arched window openings on the upper storey of the principal (north) and east elevations, with their brick header detailing and masonry sills
- The early 1920s wood and glass transom and door surround at the east end of the principal (north) elevation and leading to the upper storey space
- The early 1920s stringcourse directly above the early storefront and off-set residential entrance on the principal (north) elevation (currently over-clad with wooden boards)

### **Contextual Value**

Attributes that contribute to the contextual value of 15 Elm Street as defining and supporting the character of this portion of Elm Street, and as being historically and visually linked to its surroundings include:

- The setback, placement and orientation of the building on its lot on the south side of Elm Street between Yonge Street and Bay Street, and directly adjacent to Harry Barberian Lane to the east and south of the property