

## Toronto Preservation Board

<b>Meeting No.</b>	5	<b>Contact</b>	Matthew Green, Committee Administrator
<b>Meeting Date</b>	Monday, April 24, 2023	<b>Phone</b>	416-392-4666
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	hertpb@toronto.ca
<b>Location</b>	Video Conference	<b>Chair</b>	Sandra Shaul

<b>PB5.4</b>	<b>ACTION</b>	Adopted		Ward: 16
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### **789-793 Don Mills Road - 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 789-793 Don Mills Road (including the active entrance at 793 Don Mills Road) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance; 789-793 Don Mills Road (Reasons for Designation) attached as Attachment 3, to the report, April 6, 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**

Pourya Nazemi, Planner, Heritage Preservation, Urban Design, City Planning gave a presentation on 789-793 Don Mills Road - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act.

#### **Origin**

(April 6, 2023) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

#### **Summary**

At its meeting on April 24, 2023, the Toronto Preservation Board considered Item [PB5.4](#) and made recommendations to City Council.

Summary from the report (April 6, 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 789-793 Don Mills Road (including entrance address at 793 Don Mills Road) under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value.

The Independent Order of Foresters, a historic fraternal organization which was established in Canada in the 1870s to provide insurance to working class families, constructed its corporate headquarters building, known as Foresters House, at 789-793 Don Mills Road in 1965-1967 on the east side of Don Mills Road just south of Eglinton Avenue East. Foresters House was part of Olympia Square complex, developed by Olympia and York, and has been a landmark in Don Mills for more than 55 years.

The Foresters House, a 22-storey office tower complex, is a representative example of a skyscraper typology constructed in the Late Modern style connecting to a low rise two-storey pavilion building (one storey is visible from the street). It originally contained restaurants and shops, along with a separate parking structure to the rear (east) of the tower. The office tower complex was designed by Kaljo Voore, an Estonian Canadian architect, of Bregman and Hamman with Craig, Zeidler & Strong. The office tower is accessed from a raised plaza, with a double-storey, fully-glazed ground floor along with a sunken, out-door garden with a sloping lawn. These are features of Late Modernism and adhere to the Flemingdon Park planning principles, which were developed by Macklin Hancock, and include landscaped setbacks. The same features were also core principles in the Don Mills planned community to the north.

Staff have determined that the property meets two or more of the nine criteria under Ontario Regulation 9/06, - the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act relating to design and physical, historical and associative, and contextual values.

The subject property was recommended for inclusion on the Heritage Register in the Don Mills Crossing Final Report, Cultural Heritage Resource Assessment adopted by City Council on April 17, 2019.

The Toronto Preservation Board adopted item PB12.3, Inclusion on the City of Toronto's Heritage Register – Don Mills Crossing, on December 2, 2019. At its meeting of January 29, 2020, the City Council adopted a supplementary report that deferred consideration of seven properties including the subject property at 789-793 Don Mills Road for inclusion on the City's Heritage Register, which provided City staff more time to communicate with the property owners.

City staff had two productive meetings with the Overland LLP, on behalf of Foresters - the property owner, to discuss and review the draft Statement of Significance for listing the

property at 789-793 Don Mills Road in November 2019 and February 2020 just prior to the onset of the COVID pandemic. City staff delayed a report on listing pending the outcome on the Ontario Land Tribunal (OLT) appeal of Official Plan Amendment 404 (OPA 404) since the subject property is located in the Core Character Area within the Don Mills Crossing Secondary Plan (OPA 404) boundary, and identified as a heritage potential property on Map 40-9 Views and Vistas. OPA 404 states that the view to the Foresters Headquarters at 789 Don Mills Road will be enhanced by providing views from the south-east corner of St. Dennis Drive and Don Mills Road to the westernmost 20-foot bay system of windows on the southern tower façade of the Foresters Headquarters above the tenth storey of the building as well as views to the upper floors of the Foresters Headquarters from Eglinton Avenue East near the CP Rail Corridor bridge. OPA 404 came into effect on December 4, 2020.

The property was sold in March 2022.[1] The new owner submitted an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval application for the subject site on July 29, 2022. The application proposes a three phase redevelopment with four new towers and demolition of the existing two-storey building[2] (north of the Foresters tower) to create a Privately-Owned Publicly Accessible Open Space (POPS). On February 21, 2023, the applicant appealed the application to the Ontario Land Tribunal due to City Council not making a decision within the 120-day time frame in the Planning Act.

A Heritage Impact Assessment (HIA) is required for all development applications that affect listed and designated properties and is considered when determining the conservation of a heritage property. An HIA was submitted as part of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval application on July 29, 2022.

The City Clerk issued a complete application notice on October 14, 2022. On November 7, 2022 the property owner provided a waiver to extend the 90-day timeline established under Bill 108 until June 14, 2023. 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.

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 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.

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.

The Prescribed Event took place 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 in 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 subject property meets six 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**

(April 6, 2023) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning on 789-793 Don Mills Road - 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-235702.pdf>

Staff Presentation - 789-793 Don Mills Road - 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-236024.pdf>

### **Communications**

(April 20, 2023) Letter from Alex M. Grenzebach, NYCPP (PB.Supp)

<https://www.toronto.ca/legdocs/mmis/2023/pb/comm/communicationfile-167722.pdf>

(April 21, 2023) Letter from Michael Cara, Associate, Overland LLP (PB.Supp)

<https://www.toronto.ca/legdocs/mmis/2023/pb/comm/communicationfile-167784.pdf>

### **Speakers**

Michael Cara, Overland LLP