

Demolition of a Designated Property - 18 Portland Street

Date: January 3, 2023

To: Toronto Preservation Board

Toronto and East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Ward 10 - Spadina-Fort York

SUMMARY

This report recommends that City Council refuse an application under Section 34 of the Ontario Heritage Act to demolish the historic Portland Substation building at 18 Portland Street.

City Council has stated its intention to designate the subject property under Part IV, Section 29 of the Ontario Heritage Act. A notice of intention to designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on November 2, 2022. The City Clerk received a notice of objection on behalf of Davies Howe Land Development Advocacy & Litigation within the required timeframe set out in the Act. The Act requires that City Council consider and make a decision on an objection within 90 days from the end of the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate. At its meeting on December 14, 2022 City Council affirmed its intention to designate the property at 18 Portland Street.

Located on the southwest corner of Niagara Street and Portland Street in the King-Spadina neighbourhood, the former Portland Street Toronto Hydro-Electric System Substation, or Portland Substation, was once owned and operated by Toronto Hydro-Electric Systems Ltd. - a precursor to Toronto Hydro. The Portland Substation, completed in 1925 as a two-storey, factory/warehouse type structure, was designed by the public utility's in-house architect Albert E. Salisbury (1887-1955) and is part of a collection of more than twenty such substations by the architect built across the city between 1921 and 1950. The Portland Substation, like others by Salisbury, was designed in the Beaux-Arts tradition with Edwardian Classical influences. In close proximity to other early twentieth-century factory/warehouse type buildings, including several listed and Part IV designated properties, the Portland Substation is an important part of the industrial history of the King-Spadina neighbourhood.

An application under Section 34 of the Act has been submitted to demolish this building in order to allow for the construction of a 22 storey mixed-use building with commercial units at grade and residential units above. Under the Act, if City Council fails to make a decision on the heritage permit application within 90 days of issuing a notice of a complete application, the application is deemed to be permitted under Section 34 of the Ontario Heritage Act. In this case the applicant must be notified of Council's decision by March 30, 2023.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council refuse the issuance of a demolition permit for the heritage property at 18 Portland Street, in accordance with Section 34 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 34 of the Ontario Heritage Act for the heritage property at 18 Portland, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Land Tribunal hearing in opposition to the appeal.

FINANCIAL IMPACT

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

DECISION HISTORY

On September 28, 2022, City Council adopted CC50.10 and stated its intention to designate the property at 18 Portland Street under Part IV, Section 29 of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC50.10>

The City Clerk received a notice of objection on behalf of Davies Howe Land Development Advocacy & Litigation within the required timeframe set out in the Act. The Act requires that City Council consider and make a decision on an objection within 90 days from the end of the objection period. On December 14, 2022, City Council considered the objection and affirmed its decision to state its intention to designate the properties at 18 Portland Street under Part IV, Section 29 of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.20>

BACKGROUND

Existing Properties

Located on the southwest corner of Niagara Street and Portland Street in the King-Spadina neighbourhood, the former Portland Street Toronto Hydro-Electric System Substation, or Portland Substation, was once owned and operated by Toronto Hydro-Electric Systems Ltd. - a precursor to Toronto Hydro.

The Portland Substation, completed in 1925 as a two-storey, factory/warehouse type structure, was designed by the public utility's in-house architect Albert E. Salisbury (1887-1955) and is part of a collection of more than twenty such substations by the architect built across the city between 1921 and 1950. The Portland Substation, like others by Salisbury, was designed in the Beaux-Arts tradition with Edwardian Classical influences. Identified by a prominent metal entablature and sign band upon its principal (east) elevation which reads, "TORONTO HYDRO-ELECTRIC SYSTEM," the former substation is further defined by its symmetrical façade, red-brick exterior, factory type windows, and a flat roof with parapets capped with terracotta coping. In close proximity to other early twentieth-century factory/warehouse type buildings, including several listed and Part IV designated properties, the Portland Substation is an important part of the industrial history of the King-Spadina neighbourhood.

Proposal

The subject property is included in a Zoning By-law Amendment application (21 232793 STE 10 OZ) and Official Plan Amendment application (22 151499 STE 10 OZ) currently under appeal to the Ontario Land Tribunal. The subject property is proposed to be demolished as part of these applications.

The proposed development includes the construction of a 22 storey mixed-use building having two levels of underground parking, residential units, retail space and office space. The proposal includes the incorporation of the reconstructed front (east) elevation of the former Portland Substation building with partial returns of the north and south elevations and a portion of the roof into the development concept. The whole of this designated building is proposed to be disassembled, catalogued and stored; and then, its front façade and a small part of the side return walls would be reassembled approximately 4.3 metres northward atop a new concrete foundation. The disassembly, relocation and reconstruction of the building is defined as a form of demolition within the City's Official Plan.

On October 31, 2022, the City of Toronto received an application to demolish the building at 18 Portland Street under Section 34 of the Act. On December 22, 2022 the applicant was notified that the application was incomplete as it did not include the submission materials required by the provisions of the Ontario Heritage Act.

Under the Act, if City Council fails to make a decision on the heritage permit application within 90 days of issuing a notice of a complete application, the application is deemed to

be permitted under Section 34 of the Ontario Heritage Act. In this case the applicant must be notified of Council's decision by March 30, 2023.

Heritage Planning Framework

Ontario Heritage Act

Section 34 (1) of the Ontario Heritage Act (OHA) states that no owner of a property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal.

After receiving a complete application for demolition under Section 34(1), City Council is required to issue a notice confirming the complete application to the applicant. Within 90 days of issuing the notice of a complete application, City Council must issue a decision, or else Council will be deemed to have consented to the application.

Section 34.1 (1) indicates that if Council refuses the permit applied for, or gives the permit with terms and conditions attached, the owner of the property may appeal the decision to the Ontario Land Tribunal (OLT).

The Planning Act

The Planning Act guides development in the Province of Ontario. It states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" and 2(r) "to a built form that is well designed and provides for a sense of place."

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as: the efficient use and management of land and infrastructure; ensuring opportunities for job creation; and conservation of cultural heritage and archaeology.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, management and use of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Policy 2.6.3 states that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019 and was amended through an Order in Council that came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

Official Plan

Section 3.1.6 of the Official Plan contains a series of heritage conservation policies that apply to the subject property. These include:

Policy 3.1.6.4 directs that properties on the 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 as adopted by Council.

Policy 3.1.6.5 directs that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.6.6 states that the adaptive re-use of properties on the Heritage Register is encouraged consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.6.26 states that new construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

The Official Plan defines demolition as "the complete destruction of a heritage structure and property from its site, including the disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date."

Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008, Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (the "Standards & Guidelines") as the official document guiding decisions on the planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. <http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>

The Standards and Guidelines include a set of 9 fundamental standards for the preservation of heritage properties. The standards establish a philosophical framework and a set of general principles to guide conservation work. All nine of standards apply to the proposed demolition of 18 Portland Street. These include:

- Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements.
- Evaluate the existing condition of character defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

COMMENTS

The Heritage Impact Assessment (HIA) by MHBC (October 2021) that was submitted with the development application for the property includes an independent heritage evaluation of the subject lands by the consultant that was hired by the applicant for the proposed development. This evaluation concurs with that of Heritage Planning Staff as outlined in the designation by-law. It agrees with the designation by-law that "the building at 18 Portland Street has significant cultural heritage value or interest" as a "representative example of a Toronto Hydro-Electric System building constructed c.1925 in the Edwardian Classical architectural style." It also agrees that the property has historic and associative value because it demonstrates the work of Albert E. Salisbury (the Staff Architect of the Toronto Hydro-Electric Commission) and because it is associated with the "Toronto Hydro-Electric System which had a significant influence on the development of Toronto's electrical services and by extension, development of the City." In addition the HIA concurs with the designation by-law that the property has contextual value because of its historical role as the substation serving the surrounding area. The HIA states that that the development proposal is to retain and integrate its front façade and portions of the side facades into a proposed new development and concludes that the demolition of this heritage building "is not recommended."

The Conservation Plan that was also prepared by MHBC (August 2022) and which was submitted with the demolition application no longer proposes to retain the heritage building but proposes its complete demolition with salvaged materials being used to construct a replica of the original front and partial facades of the Portland Substation building. This proposal is inconsistent with that set out in the HIA.

The Conservation Plan sets out the reason for the demolition request as being as a result of "a number of factors, including those related to engineering, as well as spatial and design constraints. This includes the requirement for multiple levels of underground parking and the resulting excavation. The spatial constraints of the site are such that there is an inability to leave the building on-site during excavations so that the building could be re-located in-whole. There is also no appropriate temporary storage location for the building off-site which would facilitate its re-location in whole."

Apart from the above statement the "spatial and design constraints" that would prevent some conservation of the Portland Substation building were not explained and it is noted that By-law No.89-2022 no longer requires a minimum amount of parking as part of development applications. The Condition Assessment within the submitted Conservation Plan does not indicate the condition of the property as the rationale for the building's demolition. Heritage Planning staff are aware of many development projects within Toronto that have included retention of facades while underground parking is being provided. It has not been demonstrated that the conservation of parts of the Portland Substation building could not be achieved here.

Good conservation practise, as noted in the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, seeks a minimal intervention approach and says that repairable character-defining elements should not be removed, replaced or substantially altered. The proposal is to remove a significant heritage

resource from the site at 18 Portland Street and it has not been demonstrated that facades of the Portland Substation building cannot be conserved and integrated into new construction with the use of an appropriately designed retention and support structures.

Despite the application being deemed incomplete, based on information provided to date in the development application compared to the heritage permit application which is intended to facilitate the development, staff would also recommend refusal of the heritage permit application as the complete demolition of a significant heritage resource is proposed and this is not consistent with the original HIA or intent of the development applications conservation strategy submitted for the subject lands.

CONCLUSION

The proposed complete demolition of the Portland Substation building 18 Portland Street would remove all vestiges of the existing site's cultural heritage value and attributes. Demolition is contrary to the intent of the PPS, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada. As the Portland Substation is a significant built heritage resource, it should be conserved.

Staff recommend that Council refuse the proposed demolition application for the reasons outlined in this report.

CONTACT

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SIGNATURE

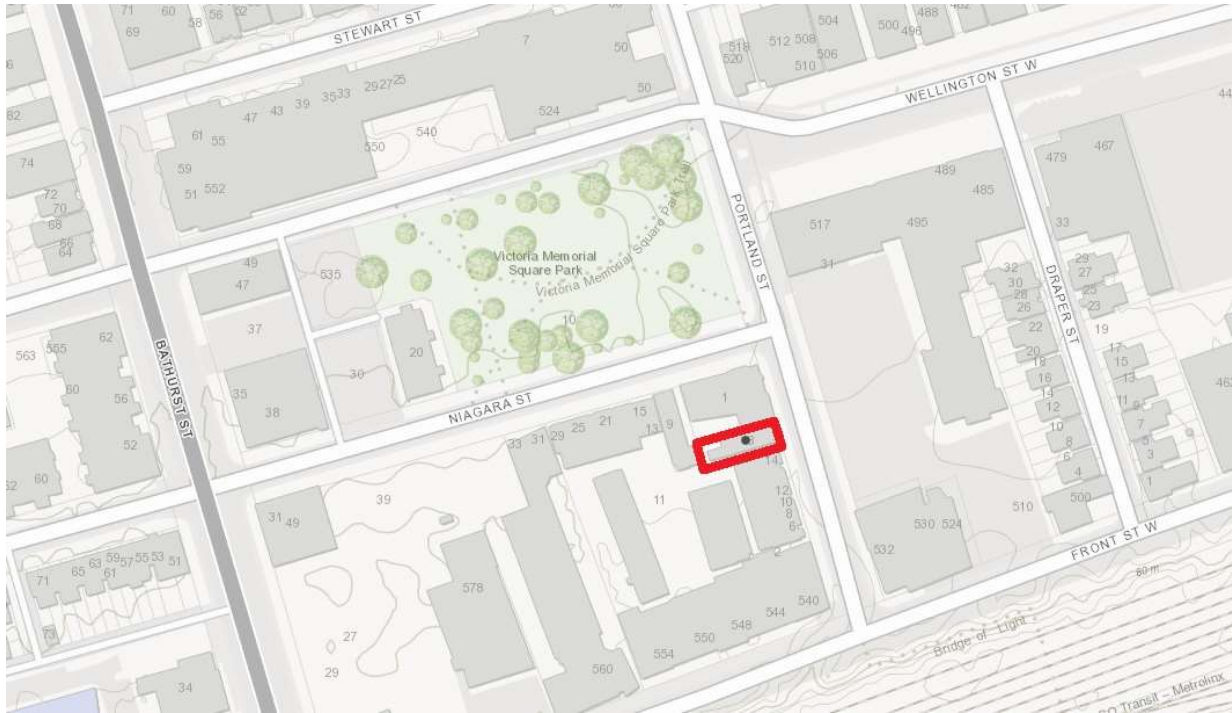
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ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Photographs
Attachment 3: Statements of Significance with Attributes

LOCATION MAP
18 PORTLAND STREET

ATTACHMENT 1



This location map is for information purposes only; the exact boundaries of the property is not shown. The red lines indicate the location of the site at 18 Portland Street.



Photograph of the front/Portland Street of 18 Portland Street.

18 PORTLAND STREET**STATEMENT OF SIGNIFICANCE
(REASONS FOR DESIGNATION)**

The property at 18 Portland 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 categories of design/physical, historical/associative, and contextual values.

Description

The subject property at 18 Portland Street is located near the southeast corner of Niagara Street and Portland Street just south of Victoria Memorial Square within the King-Spadina neighbourhood. The former Toronto Hydro-Electric Systems Ltd. substation at 18 Portland Street, or Portland Substation, was designed in 1924-25 by the public utility's in-house architect Albert E. Salisbury (1887-1955) and completed in 1925. Similar to others in a collection of more than twenty substations designed by Salisbury between 1921 and 1950, the Portland Substation was designed in the Beaux-Arts tradition and features Edwardian Classical influences. Within that collection, it is recognizable as a two-storey, brick, factory/warehouse type building as well as for its metal entablature and sign band.

Design and Physical Value

18 Portland Street holds significant design value as a representative example of a 1920s-era Toronto Hydro-Electric Systems Ltd. substation in the Beaux-Arts style with Edwardian Classical influences. Distinctive features include the two-storey scale, form and massing of the property, its common bond brick exterior with decorative stone detailing, fenestration openings with stone sills and multi-paned, metal factory type windows, terracotta coping along the parapet of the flat roof, and the metal entablature containing the name band sign reading: "TORONTO HYDRO-ELECTRIC SYSTEM." The sign band held within the metal entablature is composed of projecting, stamped, metal lettering with distinctive font common to other contemporary Toronto Hydro-Electric Systems Ltd. substations.

The principal (east) elevation, true to the principles of the Beaux-Arts tradition, features a largely symmetrical façade, its two-over-two configuration composed by the pairings of the first-storey window and principal entryway and the two second-storey windows above.

Historical and Associative Value

The Portland Substation at 18 Portland Street holds significant historical value for its century-long association with Toronto Hydro-Electric Systems Ltd. The Portland Substation forms part of the public utility's collection of early twentieth-century substations which were built across the city following its formation in 1911. This historical association is clearly expressed by the metal entablature and name band sign, with its distinctive typecast, identifying Toronto Hydro-Electric Systems Ltd. and referencing its former use.

The Portland Substation also holds significant associative value as a reflection of the work of architect Albert E. Salisbury (1887-1955), who designed more than twenty substations between 1921 and 1950 as Toronto Hydro-Electric Systems Ltd.'s Supervisor of Architecture. Salisbury is considered an architect of significance to Toronto's early twentieth-century history. The Portland Substation is architecturally similar to others designed by Salisbury in the 1920s and 1930s, including its near-twin at 281 Cherry Street. It is representative of Salisbury's expressive use of the Beaux-Arts tradition, adapted with Edwardian Classical influences.

Contextual Value

18 Portland Street has significant contextual value related to its importance in maintaining and supporting the early twentieth-century industrial character of the King-Spadina neighbourhood. Built within an industrial setting as the face of the public utility, the substation's Edwardian Classical details bring further contextual value to the property both for its association with the larger network of substations across the city and for its connection to its immediate surroundings. Featuring red-brick masonry, fenestration openings with stone sills and multi-light, metal, factory type windows, terracotta coping, metal entablature with name band, and symmetrical façade, the two-storey Portland Substation is visually linked to nearby former-industrial buildings, including the Copp Clark Publishing Co complex at 517 Wellington Street West.

Additionally, the Portland Substation is functionally and historically linked to its surroundings as a structure that was built in 1925 to support the increasing electric power requirements of the King-Spadina neighbourhood.

Heritage Attributes

Design and Physical Value

Attributes that contribute to the design and physical cultural heritage value of the Portland Substation at 18 Portland Street:

- The scale, form, and massing, of the two-storey, early twentieth-century, factory/warehouse type building expressive of the Beaux-Arts tradition with Edwardian Classical influences
- The property's material palette, consisting of a common bond brick exterior with stone detailing

- The symmetrical façade of the principal (east) elevation with its two-over-two configuration created by the pairing of the window and principal entryway (since altered) at street level and the two second-storey windows above
- The factory type, metal windows on the first and second floors of the principal (east) elevation and side (south) elevation with stone sills and brick headers
- The terracotta tile coping on the parapet of the flat roof.
- The metal entablature on the principal (east) elevation with sign band reading: "TORONTO HYDRO-ELECTRIC SYSTEM," supported by slightly projecting brick pilasters at the north and south edges of the facade
- The sign band's projecting, stamped, metal lettering with distinctive font common to other contemporary Toronto Hydro-Electric Systems Ltd. substations
- The decorative, rectilinear courses of brick stretchers and headers which frame the façade of the principal (east) elevation

Associative and Historical Value

The following attributes contribute to the associative and historical cultural heritage value of the Portland Substation at 18 Portland Street as a representative work of architect Albert E. Salisbury's (1887-1955) portfolio, spanning from 1921 to 1950, as an important element of the Toronto Hydro-Electric Systems early city-wide infrastructure:

- The former Portland Substation's defining Beaux-Arts styling with Edwardian Classical influences, including the symmetrical principal (east) façade with its red-brick exterior with stone detailing, fenestration openings, and flat roof with terracotta coping
- The metal entablature with sign band reading: "TORONTO HYDRO-ELECTRIC SYSTEM"

Contextual Value

The following attributes contribute to the contextual cultural heritage value of the Portland Toronto Hydro-Electric Substation at 18 Portland Street:

- The property's Beaux-Arts styling with Edwardian Classical influences, including its material palette of brick with stone detailing, that supports and maintains an understanding of the historic industrial character of the King-Spadina neighbourhood.
- The metal entablature with sign band identifying the building as an electrical substation that distributed a vital source of energy to the surrounding industrial area