

1191 Bathurst Street, 21-37 Kensington Avenue, and 171 Lowther Avenue - Inclusion on the Heritage Register - Supplementary Report

Date: June 20, 2023

To: Toronto and East York Community Council

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

Wards: University-Rosedale - Ward 11; Toronto-St. Paul's - Ward 12; Toronto Centre - Ward 13

SUMMARY

This supplementary report provides revised recommendations for consideration, to remove the properties at 6-12 Cawthra Square from the recommendation for inclusion on the Heritage Register given that the Chief Planner exercised his delegated authority to list the subject properties at 6-12 Cawthra Square on the City's Heritage Register on May 29, 2023.

The report from the Senior Manger, Heritage Planning, Urban Design, City Planning dated May 4, 2023, recommended the inclusion of 15 properties on the City of Toronto's Heritage Register. Among the recommended properties were four properties located at 6-12 Cawthra Square. The Toronto Preservation Board considered the report at its meeting on May 23, 2023 and recommended its adoption to City Council.

On May 4, 2023 the City received an application to amend the City of Toronto Zoning By-law for the subject properties at 6-12 Cawthra Square. Under the Ontario Heritage Act, should a property be subject to a Zoning By-law Amendment, an Official Plan Amendment and/or Draft Plan of Subdivision Application, properties must be listed on the heritage register prior to Part IV designation and before the occurrence of a prescribed event - the point of time when the City Clerk provides notice of a complete application to the public in accordance with the Planning Act.

For the subject properties at 6-12 Cawthra Square, staff calculated that a prescribed event could occur prior to Council's consideration of the listing report and for this reason the Chief Planner and Executive Director used his delegated authority to list these properties on the Register on an urgent basis.

The remainder of the properties recommended for listing are within the requisite legislated time frame for Council consideration.

RECOMMENDATIONS

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

1. City Council delete recommendation 1 and replace it with the following:

City Council include the following eleven properties on the City of Toronto's Heritage Register in accordance with the Listing Statements (Reasons for Inclusion) attached as Attachments 1, 4, 5, 6, 7 to the report, May 4, 2023, from the Senior Manager, Heritage Planning, Urban Design, City Planning.

1191 Bathurst Street
21 Kensington Avenue
23 Kensington Avenue
25 Kensington Avenue
27 Kensington Avenue
29 Kensington Avenue
31 Kensington Avenue
33 Kensington Avenue
35 Kensington Avenue
37 Kensington Avenue
171 Lowther Avenue

FINANCIAL IMPACT

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

DECISION HISTORY

On May 23, 2023, the Toronto Preservation Board considered the report from the Senior Manager, Heritage Planning, Urban Design, City Planning, 1191 Bathurst Street, 6-12 Cawthra Square, 21-37 Kensington Avenue, and 171 Lowther Avenue - Inclusion on the Heritage Register, and recommended to the Toronto and East York Community Council that the fifteen properties be added to the City's Heritage Register.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PB6.4>

On March 29, 2023, City Council adopted recommendations providing the Chief Planner with a limited delegated authority to include a property on the Heritage Register when it is believed to be of cultural heritage value by meeting at least two of the Provincial Criteria for holding cultural heritage value or interest, and when a property is subject to a privately initiated Official Plan Amendment, Zoning By-law Amendment, and/or Draft Plan of Subdivision application with legislative timeframes for listing.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.11>

COMMENTS

On May 4, 2023 an application was submitted to the City of Toronto to amend the Zoning By-law to permit the construction of a 45-storey residential building on the lands known as 2-12 Cawthra Square (Planning Application 23 140427 STE 13 OZ). As required by recent amendments to the Ontario Heritage Act through Bill 23, should City Council wish to designate a property contained within a rezoning application the property must be listed on a municipal heritage register as of the date of the Clerk giving notice of the Application's completeness under the Planning Act ("the Prescribed Event").

The timelines for reviewing a Zoning By-law amendment application for completeness and for issuing a notice of completion are prescribed in the Planning Act. In this instance, staff were concerned that the notice of a complete application could be issued prior to Council's consideration of the original listing report. In order to preserve Council's ability to designate these properties under Section 29 of the Ontario Heritage Act at a future date, the Chief Planner and Executive Director exercised his delegated authority to list these properties under Section 27(3) of the Ontario Heritage Act on May 29, 2023. Notices of the listings were issued to property owners on May 30, 2023.

As the properties at 6-12 Cawthra Square are now included on the City's Heritage Register, a Council decision on the listing is no longer necessary. The planning application is currently under review and staff could make recommendations on the designation of one or more of the properties in a future report.

CONTACT

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SIGNATURE

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