

509 Parliament Street - Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection

Date: January 24, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: Ward 13 – Toronto Centre

SUMMARY

This report recommends that City Council affirm its decision of October 11, 2023 (Item PH6.7) stating its intention to designate the property at 509 Parliament Street under Part IV, Section 29 of the Ontario Heritage Act (the "Act"). The City received an objection to the notice of intention to designate on November 14, 2023, on behalf of the property owner. The objection was submitted within the required statutory timeframe, ending November 16, 2023.

The subject property is located on the east side of Parliament Street, between Winchester and Carlton Streets in the Cabbagetown community.

509 Parliament Street, known as "The Carlton Theatre," was designed as a movie theatre in the Classical Revival style in 1929. City Council included the property on the Heritage Register on March 29, 2023.

The objector is of the opinion that 509 Parliament Street does not merit designation under Part IV, Section 29 of the Ontario Heritage Act.

Staff have reviewed the objections raised on behalf of the owner and remain of the opinion that despite the objection, the property at 509 Parliament Street meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Act under all three categories of design and physical, historical and associative, and contextual values. As such, staff are of the opinion that the property should be designated.

Designation enables City Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

City Council has until February 14, 2024, 90 days from the date of the end of the objection period, or 120 days from the issuance of the Notice of Intention to Designate to make a decision on this objection as per the timeline under the Act.

RECOMMENDATIONS

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

1. City Council affirm its decision to state its intention to designate the property at 509 Parliament Street under Part IV, Section 29 of the Ontario Heritage Act as set out in City Council Decision Item PH6.7 on October 11, 2023.
2. City Council authorize the City Solicitor to introduce the bill in City Council designating the property at 509 Parliament Street under Part IV, Section 29 of the Ontario Heritage Act.

FINANCIAL IMPACT

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

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

At its October 11, 2023 meeting, City Council adopted a report from the Chief Planner and Executive Director, "509 Parliament Street - Notice of Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act" (PH6.7) and stated its intention to designate the property at 509 Parliament Street under Part IV, Section 29 of the Ontario Heritage Act. [Agenda Item History - 2023.PH6.7 \(toronto.ca\)](#)

BACKGROUND

City Council 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 on October 17, 2023. The objection period ended on November 16, 2023.

The City Clerk received a notice of objection for the property at 509 Parliament Street prepared by Aird & Berlis LLP on behalf of the property owner 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. City Council has until February 14, 2024, to make a decision on the objection.

COMMENTS

Staff reviewed the notice of objection dated November 14, 2023 prepared by Aird & Berlis LLP. A copy of the notice of objection is included as Attachment 1 to this report.

The objector takes issue with the Statement of Significance (Reasons for Designation) and disagrees that the building constitutes a representative example of the Classical Revival style; is a rare example of a neighbourhood theatre; that it reflects the work of architect Herbert G. Duerr; and that its contribution to the streetscape is integral.

The Statement of Significance (Reasons for Designation) for the property, adopted by City Council as part of Item PH6.7, is appended to this report as Attachment 2.

As part of the evaluation process, staff reviewed the Cultural Heritage Evaluation Report (CHER) for the properties dated March 9, 2023, prepared by ERA Architects Inc. and submitted in support of a Planning Act application for the subject property, as well as a Heritage Impact Assessment (HIA) also dated March 9, 2023.

Staff re-examined the Statement of Significance (Reasons for Designation) for 509 Parliament Street. Ontario Regulation 9/06 requires that a property only needs to meet two of the nine criteria. Staff are of the opinion that the property meets the criteria prescribed by Ontario Regulation 9/06 of the Act with the property meeting four of nine required criteria.

Design or Physical Value

Regarding the objection to its design and physical value, staff maintains that the building holds stylistic value and constitutes a representative example of restrained and understated Classical Revival-style architecture. Exterior features which contribute to this characterization include its symmetrical façade arrangement, its ashlar storefront finish with stylized dentil frieze, and traditional stepped parapet. Classical features combined with an art-deco motif are extended to the interior with the stylized finishes comprising auditorium pilasters (piers), ceiling medallions, and a cornice.

In consideration of the objection to the building's value as a representative example of a building type, in the opinion of staff, given that the building is the only remaining example of a purpose-built theatre in Cabbagetown in a recognizable form, the building's heritage value is further strengthened. Whereas the community once boasted five other theatres, 509 Parliament Street is the only one to survive in recognizable form. The building retains not only the façade and stylistic elements of its interior and exterior, but also its three-part form, typical of traditional movie theatres in the early twentieth century with lobby at the front of the building, an auditorium in the middle, and a stage/screen at the rear. A steel truss roof allows for a clear span of the auditorium space.

Historical or Associative Value

The objection disagrees that this property reflects the work of its architect Herbert H. Duerr. City staff have outlined in the notice of intention to designate report how the property fits into, and illustrates, Duerr's body of work. The report outlines how Duerr's specialty was movie theatre design, and how his earlier work prior to the 1930s reflected a conservative aesthetic mixed with revival-style architectural design. As such, the subject theatre in the opinion of staff is clearly illustrative of the architect's work, aligning with his specialization and reflecting the architect's aesthetic at the time 509 Parliament Street was built.

Contextual Value

Regarding the objection to the property's contextual value, and its integral contribution to the streetscape, staff maintain the position that the building is integral to its context being functionally and historically linked to its surroundings, contributing to the main street character of Parliament Street. Like most community main streets in the early twentieth century, movie theatres were important contributors, with 509 Parliament Street representing this main street component in the area. As such it represented an entertainment venue in the community, in this capacity from 1931-1954 and subsequently as a Canadian Broadcasting Corporation live-audience venue for orchestra and other performances. Physically, the building's low-scale architecture contributes to the continuous street wall and continuity in rhythm of the historic main street character of buildings of Parliament Street. Numerous additional historic buildings listed on the City's Heritage Register in the immediate vicinity of the subject property, in combination with the subject property, defines and supports the historic main street character of Parliament Street.

The subject property is included in a Zoning By-law Amendment application (23124360STE13 OZ) currently under review by the City. The Zoning By-law Amendment application proposes partial retention of the property at 509 Parliament Street.

Should Council affirm its intention to designate, the City Solicitor will introduce the designating by-law to Council under Section 29 of the Act. Once Council has passed the designating by-law, notice has been provided, and the by-law has been published in accordance with the Act, an appeal may be made to the Ontario Land Tribunal in accordance with the Act. The Ontario Land Tribunal Decision is binding.

CONCLUSION

The property at 509 Parliament Street meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, supporting design/physical, historical/associative, and contextual values. As such, despite the notice of objection, the property should be designated.

CONTACT

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SIGNATURE

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City Planning

ATTACHMENTS

Attachment 1 – Notice of Objection
Attachment 2 - Statement of Significance (Reasons for Designation) – 509 Parliament Street
Attachment 3 – Photographs

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

The property at 509 Parliament Street, is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural value and meets Regulation 9/06, the provincial criteria prescribed for municipal designation under the categories of design/physical, historical/ associative and contextual value.

Description

The property at 509 Parliament Street, also known as the Carlton Theatre, is located in Toronto's Cabbagetown neighbourhood, on the east side of Parliament Street, mid-block between Carlton and Winchester Streets. It contains a one-storey, Classical Revival-style building constructed as a movie theatre in 1929-30. The property has served as a performing arts venue since 1995. Immediately behind the theatre to the east is the area comprising the Cabbagetown - Metcalf Heritage Conservation District. To the west, behind and on Parliament Street, the area comprises the Cabbagetown Northwest Heritage Conservation District.

Statement of Cultural Heritage Value

Like the other theatres designed by architect Herbert Duerr in the 1920s, the 1929 Carlton Theatre is characterized and representative of restrained and understated Classical Revival-style architecture. The one-storey building features a symmetrical façade with a stepped and panelled red-brick parapet and ashlar artificial stone storefront detailing. A stylized dentil frieze atop the storefront in the artificial stone finish serves to further the classical character. While the infilling of the storefronts has affected the appearance of the façade, the configurations of the openings have been respected and the artificial stone storefront trim has been retained.

The conservative, classical aesthetic of exterior was also carried over into the interior with simple, clean finishes in the lobby and 1015-seat auditorium. The auditorium was relatively austere except for elegantly placed finishes in a combination of Art Deco and classical motifs. Such finishes include extant pilasters (piers) lining the walls, ornamented with Art Deco-style capitals and classical medallions, as well as a stylized cornice encircling the space, which also remains. The moulding which surrounded the screen is also intact.

The building's significance is further associated with its survival as the only purpose-built theatre in Cabbagetown in recognizable form. While such building types were once common - with Cabbagetown alone once having other purpose-built, neighbourhood theatres - these theatres have been irreversibly altered or demolished. Not only does the Carlton Theatre retain its façade and stylistic elements of its exterior and interior, but also the three-part structural form typical of traditional movie theatres in the early twentieth century with lobby at the front of the building, auditorium in the middle, and stage at the rear. A steel truss roof allows for a clear span of the auditorium space.

The building is significant for its association with Herbert Duerr (1891-1966), a Pittsburgh-born and trained architect who demonstrated a versatility in his range of work but became known for his theatre design. In 1924, with architect B. Kingston Hall, Duerr redesigned the Tivoli Theatre in Hamilton, which was designated as a heritage property in that city in 1990. In 1926 Duerr established his own firm in Toronto and that year designed the "Major" Theatre at Rogers Road and Rosethorn Ave. From the late 1920s through the late 1940s, Duerr designed at least a half-dozen theatres in the Toronto area as well as more than a dozen theatres elsewhere - mostly in smaller Ontario cities, but also in a couple locations in Quebec and Nova Scotia. While Duerr's earliest theatre works reflect both a conservative aesthetic mixed with more elaborate revival examples, by the mid 1930s Duerr had embraced a more modern aesthetic. Employing this aesthetic the Famous Players chain retained him as their corporate architect to design their theatres across Ontario. In addition to theatres, Duerr's work consisted of a variety of other type of building including apartment houses, stores, factories and warehouses. Surviving examples of Duerr's work in Toronto includes the 1937 Moderne style Creed Fur's Building at Davenport and Bedford Roads, which was listed on the City's Heritage Register in 1997.

The Carlton Theatre is functionally and historically linked to its surroundings as an integral component of Cabbagetown's main street context and character, occupying a central location on Parliament Street. Like most community main streets in the early twentieth century, local movie theatres were integral entertainment venues, contributing to that neighbourhood and main street character, with the Carlton Theatre assuming that role on Cabbagetown's main street.

From 1931 to 1954, the Carlton Theatre was one of the entertainment venues and a social focal point of Cabbagetown at a time when attending movies was a popular form of entertainment. In addition to the Carlton, the community boasted five other theatres. Of these, only the Carlton survives in recognizable form as a purpose-built theatre. After its movie theatre use, the building remained a venue during the CBC's tenure for audiences attending concerts of the CBC orchestra, other live music programs, as well as broadcast productions such as the popular comedy show, the Royal Canadian Air Farce.

The building also contributes to defining and supporting the historic main street character of Parliament Street between Carlton and Winchester Streets, which includes several other properties listed on Toronto's Heritage Register. Across the street at 502-508 Parliament Street is row housing comprising four properties dating from 1879 and placed on the Register in 1975. To the north, the end of the block is occupied by the 1888 Lakeview (Winchester) Hotel, placed on the Register in 1975 and designated by bylaw in 1995. The theatre, with these low-scale structures, and others in the block, had by the 1930s formed a continuous street wall providing a continuity in the rhythm of these buildings.

Heritage Attributes

Design or Physical Value

Attributes that contribute to the value of the property at 509 Parliament Street being a representative example of the Classical Revival Style:

- The one-storey, long, polygonal form, scale and massing of the building behind a short façade
- The flat roof form of the lobby portion of the building and the domed roof of the auditorium
- The exterior materials of the front façade comprising artificial stone storefront surrounds laid in ashlar arrangement with dentil frieze and stepped and panelled parapet of red brick; the brick secondary facades
- The arrangement of the original façade storefront and entrance openings (now altered)
- Interior finishes including auditorium pilasters (piers) ornamented with Art Deco motifs and classical medallions; the auditorium's stylized cornice and screen-opening mouldings

Attributes that contribute to the value of the property at 509 Parliament Street being a representative but now rare example of a theatre type:

- The three-part arrangement of the building comprising lobby, clear-span auditorium, and stage/screen area.
- The elements of the original interior configuration including entrance vestibule, shallow interior lobby extending into corridors with stairways, and the extended ceiling height and open volume space of the auditorium

Historic and Associative Value

Attributes that contribute to the value of the property at 509 Parliament Street for reflecting the work or ideas of architect Herbert Duerr:

- The building's theatre typology reflecting Duerr's specialization in theatre design
- The Classical Revival-style of design characterizing Duerr's early theatre design in tradition period revival styles

Contextual Value

Attributes that contribute to the contextual value of the property at 509 Parliament Street as being functionally and historically linked to its surroundings:

- The building's theatre typology and architectural character in contribution to the historic main street character of Parliament Street
- The building's setback, mid-block placement, and its low-scale architecture contributing to the continuous street wall and continuity in the rhythm of the historic main street character of the buildings in the 500 block of Parliament Street

Attributes that contribute to the contextual value of the property at 509 Parliament Street as defining, supporting and maintaining the historic character of the street:

- The building's placement relative to other listed and designated heritage buildings within the same block of Parliament Street and its adjacency to two Heritage Conservation Districts.



Main (west) façade, 2023 (Heritage Planning)



Main (west) façade, c. 1937 (City of Toronto Archives)