



## Decision Letter

### Toronto Preservation Board

**Meeting No.** 16

**Meeting Date** Thursday, March 28, 2024

**Start Time** 9:30 AM

**Location** Video Conference

**Contact** Matthew Green, Committee Administrator

**Phone** 416-392-4666

**E-mail** [hertpb@toronto.ca](mailto:hertpb@toronto.ca)

**Chair** Julia Rady

PB16.8	ACTION	Adopted		Ward: 3
--------	--------	---------	--	---------

#### **4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions**

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege and information regarding potential litigation.**

#### **Board Decision**

The Toronto Preservation Board recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (March 13, 2024) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to the report (March 13, 2024) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (March 13, 2024) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

#### **Decision Advice and Other Information**

Erin Smith, Planner, Urban Design, Heritage Planning, City Planning gave a presentation on 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions.

The Toronto Preservation Board recessed its public session to meet in closed session to consider this item as it relates to the receiving of advice that is subject to solicitor-client privilege and contains information regarding litigation or potential litigation.

## **Origin**

(March 13, 2024) Report from the City Solicitor

## **Summary**

At its meeting on March 28, 2024 the Toronto Preservation Board considered Item [PB16.8](#) and made recommendations to City Council.

Summary from the report (March 13, 2024) from the City Solicitor:

On April 28, 2022, a combined Official Plan Amendment and Zoning By-law Amendment application was submitted for a development at 4884-4896 Dundas Street West to permit a 12-storey mixed-use building containing 225 residential units and 1214 square metres of retail space at-grade.

On June 15, 2023 a revised Official Plan Amendment and Zoning By-law Amendment application was submitted to permit a 29-storey mixed-use building containing 395 residential units and a total of 1322 square metres of at-grade retail space along Dundas Street West. In both submissions, the heritage building on site was proposed to be partially retained and relocated.

On June 23, 2023, the applicant appealed the applications to the Ontario Land Tribunal citing City Council's failure to make a decision on the applications within the time period prescribed under the Planning Act.

On March 8, 2024, the applicant submitted a with prejudice settlement offer (the "Settlement Offer") that included an application under Section 33 of the Ontario Heritage Act to alter the on-site heritage resource ("the heritage application"), attached as Public Appendix "A".

The City Solicitor requires further instructions with respect to the heritage application and the upcoming Ontario Land Tribunal proceedings relating to the Official Plan and Zoning By-law Amendment application appeals.

## **Background Information**

(March 13, 2024) Report from the City Solicitor on 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244313.pdf>)

Appendix A - Revised Heritage Impact Assessment, dated March 8, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244315.pdf>)

Confidential Attachment

Staff Presentation on 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement -

Request for Directions

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244592.pdf>)

## Speakers

Michael Tucci, Rockport

Nicolas Barrette, GBCA Architects

## Motions

*Motion to Meet in Closed Session moved by Geoff Kettel (Carried)*

2:21 p.m. - That the Toronto Preservation Board meet in closed session to consider the following:

PB16.8 - 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions

Reason for Confidentiality - The receiving of advice that is subject to solicitor-client privilege and information regarding potential litigation.

*Motion to Adopt Item moved by Adam Wynne (Carried)*

## **8a Supplemental Report - 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions**

### Origin

(March 27, 2024) Report from the City Solicitor

### Summary

On March 8, 2024, the applicant submitted a with prejudice settlement offer (the "Initial Settlement Offer") that included an application under Section 33 of the Ontario Heritage Act to alter the on-site heritage resource (the "heritage application"), attached as Public Appendix "A".

On March 26, 2024, the applicant submitted a further with prejudice settlement offer (the "Settlement Offer") that made revisions to the rooftop and mechanical penthouse area and certain engineering and urban design matters. No changes to the heritage application were necessitated as a result of these revisions, as the proposed built form with the potential to impact heritage attributes remains unchanged. The proposed alterations and conservation strategy for the designated heritage building also remains unchanged.

### Background Information

(March 27, 2024) Report from the City Solicitor on Supplemental Report - 4888 Dundas Street West - Alteration of a Property Designated under Part IV of the Ontario Heritage Act and

Authority to Enter into a Heritage Easement Agreement - Request for Direction  
(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244607.pdf>)