

86 Mimico Avenue – Proposed Designation By-law Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objection

Date: June 5, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: 3 - Etobicoke-Lakeshore

SUMMARY

This report recommends Council affirm its decision of March 20, 2024 (Item PH9.12) stating its intention to designate the property at 86 Mimico Avenue under Part IV, Section 29 of the Ontario Heritage Act. The City has received an objection on behalf of the property owner of 86 Mimico Avenue to the Notice of Intention to Designate for 86 Mimico Avenue within the statutory timeline, which is the subject of this report. The City did not receive objections for the properties at 78 and 80 Mimico Avenue and therefore the designation by-laws for 78 and 80 Mimico Avenue have been enacted.

The property is located on the northeast corner of Mimico Avenue and Station Road in Mimico. It was constructed between 1923 and 1924 for the Union Bank of Canada, before serving as a branch of the Royal Bank of Canada from 1925-1935. The property is the easternmost of a group of three properties constructed between 1920 and 1929 that display a remarkable level of visual cohesion, sharing architectural elements including two storey profile, cornices, parapets, storefronts and second storey apartments/offices.

The objector is of the opinion that 86 Mimico Avenue does not merit designation under Part IV, Section 29 of the Ontario Heritage Act.

City Council has until July 24, 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 Ontario Heritage Act.

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, under 3 of 9 criteria for its design/physical and contextual values.

As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, this property should be designated. Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

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 86 Mimico Avenue under Part IV, Section 29 of the Ontario Heritage Act as set out in Council Decision PH9.12 on March 20, 2024.
2. 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.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

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 meeting of March 20-21, 2024, City Council stated its intention to designate the property at 86 Mimico Avenue under Part IV, Section 29 of the Ontario Heritage Act.
<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.12>

On May 23, 2024, Council enacted By-law 506-2024, to designate the property at 78 Mimico Avenue as being of cultural heritage value or interest.
<https://www.toronto.ca/legdocs/bills/2024/bill0489.pdf>

On May 23, 2024, Council enacted By-law 507-2024, to designate the property at 80 Mimico Avenue (including entrance address at 84 Mimico Avenue) as being of cultural heritage value or interest.
<https://www.toronto.ca/legdocs/bills/2024/bill0490.pdf>

BACKGROUND

Council has stated its intention to designate the properties at 78, 80, and 86 Mimico Avenue under Part IV, Section 29 of the OHA. Notice of Council's intention to Designate

was served on the property owners and the Ontario Heritage Trust and was published in accordance with the OHA. The objection period ended on April 25, 2024.

A Notice of Objection for 86 Mimico Avenue was received by the City Clerk on behalf of the owners of the property within the required timeframe set out in the OHA. The OHA requires that Council consider and make a decision on an objection within 90 days from the end of the objection period, subject to any permitted exceptions under the OHA. Council may decide to withdraw, amend, or affirm its intention to designate. City Council has until July 24, 2024, to make a decision on the objection.

No objections were registered for the properties at 78 and 80 Mimico Avenue. Both properties were designated by by-law on May 23, 2024. The designation by-laws for each of 78 and 80 Mimico Avenue recognize these properties as having Design/Physical value as representative examples of main street commercial buildings from Mimico's streetcar period and Contextual value for defining, maintaining, and supporting the predominantly early-twentieth century small-scale mixed-use character of Mimico Avenue.

COMMENTS

Staff have reviewed the Notice of Objection prepared by Graeme Hogle, the property owner of 86 Mimico Avenue. The Notice of Objection is included as Attachment 1 to this report. Through this letter, the owner outlines several reasons for his objection, which are primarily focused on the cultural heritage value of the property and attributes identified in the Statement of Significance (Attachment 2).

The OHA prescribes the process of designation of a property under Part IV of the OHA. The OHA also prescribes criteria under O. Reg 9/06 required to be evaluated to determine whether a property has cultural heritage value or interest and therefore should be recommended for designation under the OHA.

The objector notes the property has not been identified as having historical/associative value. The objector is correct in this regard. However, the objector is incorrect in the inference that criteria pertaining to historical/associative must be met for a property to be designated under the OHA. A property must meet 2 of the 9 criteria to meet the threshold for designation under the OHA. The property exceeds the minimum threshold, meeting 3 of the 9 criteria as evaluated in the report from the Interim Chief Planner and Executive Director, City Planning dated January 9, 2024. Heritage Planning staff maintain the accuracy of their evaluation and professional opinion.

The objector is of the opinion that the attributes identified in the Statement of Significance related to the physical/design value of the property are not rare or unique, and do not have significant historical value. The objector does acknowledge that the property's design is a common form from the 1920s and is found throughout Toronto, including along Lakeshore Boulevard and Royal York Road in Mimico. It is not a requirement under the OHA that a property's attributes be rare or unique. It is also important to note that attributes are the features or elements that contribute to a property's cultural heritage value. A property may be "rare, unique **or** representative" to

have design/physical value under O. Reg 9/06. The property was identified as having design/ physical value as a representative example of a main street commercial building from Mimico's streetcar period.

The objector does not dispute the property's context but contends that similar examples along Royal York Road and Lake Shore Boulevard should be considered as Mimico Avenue is considered a secondary street. The property's heritage value is not based on the level of use or prominence of Mimico Avenue, but for maintaining and supporting the predominantly early twentieth century small-scale mixed-use character of Mimico Avenue. This heritage value was identified in the "Mimico 20/20 Revitalization: Cultural Heritage Resource Assessment" prepared by URS Canada in May of 2012 and verified through a site visit by Heritage Planning staff in December 2023.

The objector is also of the opinion that the property does not have contextual value because it is not historically associated with specific themes and events identified by the owner as having historical significance to the community. It is important to differentiate between historical/associative and contextual value, which are dealt with under separate sets of criteria in O. Reg 9/06. The property was identified for having contextual value for being historically linked to the urban development of Mimico in the 1920s.

The objector also expressed the opinion that the heritage designation would hinder future development opportunities for the property. The development of heritage properties is provided for in the Ontario Heritage Act and within the Official Plan, which indicate that heritage conservation plays an integral role in successful city-building. The Official Plan also encourages the adaptive re-use of heritage properties providing that new construction on, or adjacent to, a property on the Heritage Register is designed to conserve the cultural heritage values, attributes and character of that property. Furthermore, Standards 11 and 12 in the Standards and Guidelines specifically address how to plan for additions and alterations to heritage properties to accommodate new uses. The appropriateness of proposed interventions to a heritage property within the planning process is determined through an alteration or demolition application under section 33 and/or section 34 of the OHA. The process is the same for all heritage properties.

Staff remain of the opinion that the property at 86 Mimico Avenue meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the OHA, on the basis of its design/physical and contextual values.

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

CONCLUSION

The property at 86 Mimico Avenue meets 3 of 9 criteria under Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act for its design/physical and contextual values. As such, and despite the Notice of Objection, this property should be designated.

CONTACT

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SIGNATURE

Kerri A. Voumvakis
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City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 86 Mimico Avenue
Attachment 2 – Statement of Significance – 86 Mimico Avenue
Attachment 3 - Photograph

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

The property at 86 Mimico Avenue 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 and contextual value.

Description

Located on the northeast corner of Mimico Avenue and Station Road, the property at 86 Mimico Avenue was constructed between 1923 and 1924 for the Union Bank of Canada before becoming the Royal Bank of Canada in 1925 which would operate at the property until closing in 1935. In 1953 the property was purchased by Florence Weber who would reside there until the early 2000s.

The two-storey, flat-roofed, rectangular structure has a principal (south) elevation facing Mimico Avenue and a secondary (west) elevation facing Station Road. Clad in buff brick, the structure features brick quoining on the street facing elevations and decorative cornice and parapet that extend along the street facing elevations and the southern half of the east elevation. The principal elevation features a wide tripartite window and double entrance with decorative door surround at the first storey with three symmetrically organized double sash windows at the second storey. The secondary elevation features three windows followed by a side entrance towards the northerly (rear) corner at the first storey and four double sash windows at the second storey.

The property was identified as a potential heritage resource in the Mimico 20/20 Revitalization Cultural Heritage Resource Assessment prepared in 2012 by URS Canada for the City of Toronto.

Statement of Cultural Heritage Value**Design or Physical Value**

The property at 86 Mimico Avenue is a representative example of a commercial financial building from Mimico's streetcar period. Constructed between 1923 and 1924, the subject property's two-storey massing with masonry cladding, cornice, quoining and voussoirs, large first storey windows, and stately entrance reflect the property's original use as a bank.

Contextual Value

The subject property at 86 Mimico Avenue, along with the adjacent properties at 78 and 80 Mimico Avenue, is important in defining, maintaining, and supporting the predominantly early twentieth century small-scale mixed-use character of Mimico Avenue, which includes a mix of early-twentieth century residential and commercial

structures which continue to define the historical local main street character of the streetscape today.

The subject property at 86 Mimico Avenue is physically, visually, and historically linked to its surroundings. Displaying a high level of architectural cohesion with the adjacent properties at 78 and 80 Mimico Avenue to the east, the properties form a collection of commercial buildings constructed in the 1920s that anchor the northeast corner of Mimico Avenue and Station Road and signal the early urban development of this historical local main street.

Heritage Attributes

Design or Physical Value

The following heritage attributes contribute to the cultural heritage value of the property at 86 Mimico Avenue as a representative example of a commercial financial building from Mimico's streetcar period:

- The two-storey scale, form, and massing of the 1923-1924 structure on a rectangular plan
- On the principal (south), east and west elevations, the material palette including buff brick and stone
- The decorative cornice and parapet that extend along the (south and west) street facing elevations and the southern half of the east elevation
- On the principal (south) elevation, the organization of the first-storey openings with the double entrance with solid wood panelled doors set within a wooden door, and tripartite window with transom, stone lintel, and sill
- On the principal (south) elevation, the three symmetrically-organized windows at the second storey level with stone sills and vertical brick voussoirs containing six-over-one double sash windows with four paned storm windows.
- On the principal (south) elevation, the brick quoining at the east and west corners
- On the secondary (west) elevation, the three windows of matching height with transoms and side entrance at the first storey with their stone sills and vertical voussoirs
- On the secondary (west) elevation, four windows with six-over-one double sash windows, the southerly three with four paned storm windows, at the second storey
- On the secondary (west) elevation, the detailing with the brick quoining at the north and south corners

Contextual Value

The following heritage attributes contribute to the cultural heritage value of the property at 86 Mimico Avenue in defining, maintaining, and supporting the predominantly early 20th century small-scale mixed-use character of Mimico Avenue:

- The two-storey scale, form, and massing of the 1923-1924 structure
- The material palette including buff brick and stone
- The existing arrangement of window

