



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 200 University Avenue - Alterations to and Demolition of Heritage Attributes of a Designated Property Under Part IV, Sections 33 and 34(1)1 of the Ontario Heritage Act - Request for Directions

**Date:** June 21, 2024

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

**Wards:** Ward 10 - Spadina-Fort York

## REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

## SUMMARY

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The owner has submitted Official Plan Amendment, Zoning By-law Amendment and Heritage Permit applications proposing alterations and demolition of heritage attributes of the designated heritage property at 200 University Avenue to allow for a mixed-use development that included office, residential and retail uses. The proposal included a 35-storey addition above the existing 16-storey heritage building and a two-storey addition for retail uses on the east side of the heritage building, fronting along University Avenue.

The owner appealed its Heritage Permit applications under Section 33 and 34(1)1 of the *Ontario Heritage Act* for the subject property at 200 University Avenue.

The owner has submitted a with prejudice settlement offer which seeks consent to alterations to and demolition of heritage attributes of the designated heritage property at 200 University Avenue. Council requires the advice of the Toronto Preservation Board in respect of matters which may impact a designated heritage property.

The City Solicitor requires further directions for upcoming OLT proceedings relating to the zoning and site plan appeals.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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On June 17 and June 18, 1991, City Council adopted the recommendation to include the property at 200 University Avenue, on the City of Toronto's Heritage Register.

On June 23, 2022 an Official Plan and Zoning By-law Amendment application was submitted seeking permission for a mixed-use development that includes the retention of the existing 16-storey heritage building on the site, with a 35-storey addition above for a total of 51 storeys. On September 8, 2022 a Site Plan Control application was also submitted.

On December 13, 2022, the applicant appealed the applications to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision on the applications within the time period prescribed under the *Planning Act*.

On March 29, 2023, City Council stated its intention to designate the property at 200 University Avenue under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.42>

On July 19, 2023, City Council adopted item CC8.34 to enact a by-law 744-2023 designating the property at 200 University Avenue under Part IV, Section 29 of the *Ontario Heritage Act* substantially in accordance with the Revised Statement of Significance: 200 University Avenue (Reasons for Designation) in consideration of the objections received by the City Clerk.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.34>

On November 8, 2023, City Council adopted item CC12.10 to refuse applications under Section 33 and 34(1) of the *Ontario Heritage Act* to alter and demolish heritage attributes of the designated heritage property at 200 University Avenue.  
<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC12.10>

On December 13, 2023, the applicant appealed the heritage permit applications to the Ontario Land Tribunal (OLT).

## COMMENTS

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The Settlement Offer proposes a revised built form that will be the subject of a separate report to City Council, whereas this report will consider the implementing heritage applications pursuant to the *Ontario Heritage Act*.

The revised proposal requires approval under Section 33 and Section 34(1)1 of the *Ontario Heritage Act* to permit the alteration to and removal of heritage attributes from a designated heritage property.

The City Solicitor requires further instructions. This report contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council *in camera*.

### Heritage Property

Located on the southwest corner of University Avenue and Richmond Street West, the property at 200 University Avenue known as the Sun Life Building contains a 16-storey building (14-storey office building plus a 2-storey mechanical penthouse) constructed between 1958 and 1961, designed in the Modernist style by John C. Parkin of Canada's largest architectural firm at the time, John B. Parkin Associates.

The building is a rare, representative and early example of a modernist office tower featuring a glass and metal curtain wall set back from exposed perimeter support columns. The 2-storey glass and metal-clad mechanical penthouse is set back from the University Avenue and Simcoe Street building facades while remaining flush with the north and south elevations and was defined by its dramatic lighting or "lantern" effect, which has since been lost. The emphasis on verticality, through the prominent treatment of the perimeter columns and use of narrow I-beam fins running continuously from the second through thirteenth floors, marked a departure from the horizontal emphasis of earlier modernist or 'transitional' buildings.

The existing 16-storey heritage building is comprised of a 14-storey office tower with a 2-storey mechanical penthouse or "lantern" that is stepped back from University Avenue and Simcoe Street. It is referred to as the "lantern" because it was once illuminated.

Constructed at the point where University Avenue transitions from the 1928-1931 extension south of Queen Street to the earlier and wider axial boulevard section north of Richmond Street West, the Sun Life Building's setback frames the point at which University Avenue becomes a grand ceremonial boulevard. The public space created by the setback from University Avenue and the adjacent banking pavilion located to the south of the building (since demolished) represents an early example of the plaza and pavilion typology that was first introduced by New York City's Seagram Building.

The property also features interior attributes which contribute to the value of 200 University Avenue as representative of the Modernist style, including: the entrance lobby; metal door frames; travertine wall panelling and granite flooring throughout the entrance hall; and elevator lobby in the entrance hall and at each floor with travertine walls and stainless-steel elevator doors and surrounds.

The property's full Statement of Significance along with list of heritage attributes can be found in Designation [By-law 744-2023](#).

The property is considered adjacent to 250 University Avenue (designated under Part IV of the *Ontario Heritage Act* through Designation By-law 69-2022) to the north. The property is also adjacent to the Queen Street West Heritage Conservation District to the north and the King-Spadina Heritage Conservation District to the west.

### **Original Heritage Permit Application**

The applicant's original Heritage Permit applications proposed to retain the existing heritage building with a 35-storey tower addition constructed above it. The tower addition was proposed to suspend above the mechanical penthouse, extending from all of the existing perimeter columns. The mechanical penthouse was noted as being adapted for new amenity and event uses with the introduction of terraces. The construction of a two-storey pavilion addition attached to the east side of the building fronting along University Avenue was also proposed, relocating the building's primary entrance, and infilling the existing public plaza between the building and University Avenue.

The supporting documents for the original application contained insufficient information for Heritage Planning staff to assess the heritage impacts of the proposal. In particular, the structural engineering feasibility of the proposed alterations and removals did not demonstrate sufficient detail for staff to assess impact of the proposals or the mitigation strategies proposed for the exterior and interior heritage attributes of the property, as identified in the property's Statement of Significance.

### **Settlement Offer**

The Settlement Offer contemplates a 37-storey tower addition above the existing heritage building, which will be retained below in-situ and converted to residential uses including some affordable housing. The new tower suspends 5 metres above the existing heritage building's lantern and approximately 17 metres above the existing office tower component. The core of the tower addition is stepped back approximately 9

metres from the east elevation, 10 metres from the west elevation and 8.2 metres from the north and south elevations of the existing office tower component. The tower addition then steps out and is flush with the elevations of the existing office tower, using and extending the vertical perimeter columns for lateral support. The perimeter columns will be altered to increase their bearing capacity, extended and re-skinned with in-kind aluminum shrouds in a manner that retains their existing width, depth and appearance. A truss system proposed within the new tower addition eliminates the need for column extensions at the four corners of the heritage building.

The existing curtain wall system that clads all elevations of the heritage building is a first-generation system. It is proposed to be demolished and replaced with a custom high-performance curtain wall system that replicates the existing material, profile, detailing and finished appearance of the original, while allowing for venting requirements to accommodate the new residential use.

The existing mechanical penthouse or "lantern" is proposed to be restored, with translucent white glazing to match the existing and will be backlit as originally designed.

To accommodate residential loading and servicing requirements, a portion of the recessed glass-clad ground floor west elevation along Simcoe Street will be altered to no longer be recessed. Its granite terracing, entrance steps and entrance doors will be demolished. To mitigate this impact, the proposal retains the existing recessed condition at the northwest corner.

To accommodate the tower addition's new core, the interior heritage attributes within the lobby are unable to be conserved in-situ and will be demolished. Some of these attributes such as the travertine wall panelling and granite flooring will be salvaged and reinstated within the new reconfigured lobby.

The originally proposed two-storey pavilion addition, which would have impacted the property's open public plaza along University Avenue, is no longer proposed. The existing plaza and the east entrance to the building fronting onto University Avenue, which are heritage attributes, will be conserved. To address deterioration and waterproofing issues, the granite paving, and steps will be demolished and reinstated using salvaged and in-kind material.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - With Prejudice Settlement Offer from Kagan Shastri DeMelo Winer Park LLP, dated June 20, 2024 which describes the revised proposal
2. Public Attachment 2 - Heritage Impact Assessment prepared by ERA Architects Inc., dated June 10, 2024 (excerpts)
3. Public Attachment 3 - Architectural Plans prepared by KPMB Architects, dated May 21, 2024
4. Confidential Attachment 1 - Confidential Information