



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **33 Maitland Street & 37 Maitland Street - Alterations and Demolition to Heritage Attributes at a Designated Property under Sections 33 and 34(1)1 of the Ontario Heritage Act**

**Date:** September 5, 2024

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

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

#### **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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On September 14, 2022, Official Plan Amendment and Zoning By-law Amendment applications were submitted with respect to 33 Maitland Street and 37 Maitland Street to permit a new mixed-use building. The applications proposed to demolish 33 Maitland Street and retain a portion of 37 Maitland Street.

On March 31, 2023, the applications were appealed to the Ontario Land Tribunal (OLT) based on City Council's failure to make a decision within legislated timelines.

The focus of this report is the owner's application under Section 33 and 34(1)1 of the *Ontario Heritage Act* which requests City Council's consent to alterations and demolition of a heritage attribute to the above noted properties. 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 direction with respect to upcoming OLT proceedings and this matter can not be deferred.

## 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 and Confidential Appendix "A" to this report from the City Solicitor, at the discretion of the City Solicitor.
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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### Designation of the Property

On March 15, 1974, City Council included the property at 37 Maitland Street on the City of Toronto's Heritage Register.

On February 7 and 8, 2023, City Council included the property at 33 Maitland Street on the City of Toronto's Heritage Register.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH1.4>

On July 19 and 20, 2023, City Council stated its intention to designate the properties at 33 Maitland Street and 37 Maitland Street under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.28>

At its meeting of November 8 and 9, 2023, City Council enacted a by-law designating the properties at 33 Maitland Street and 37 Maitland Street under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/nm/api/individual/notice/4643.do>

## Related Development Applications

On November 8 and 9, 2024, City Council adopted the recommendations from an Appeal Report from the Director of Community Planning, Toronto and East York District which directed the City Solicitor to attend the OLT in opposition to the Official Plan and Zoning By-law Amendment applications at 33 and 37 Maitland Street. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE8.9>

## COMMENTS

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### Heritage Properties

The development site is located on the south side of Maitland Street, east of Yonge Street and west of Church Street, in Toronto's Church-Wellesley neighbourhood. The development site is currently occupied by a three-storey apartment building designed with a brick exterior and Arts and Crafts influences (33 Maitland Street) and an 1858 house in the style of a Georgian-style villa with Italianate influences (37 Maitland Street).

#### 33 Maitland Street

The property at 33 Maitland Street (known as the Biltmore Apartments) contains a three-storey, 37-unit apartment building on a T-shaped plan with a short façade and long rear form. Most of the building extends back from the street to the rear of the lot. The building features front gables which contained half-timbered finishes and open eaves with exposed rafters (both subsequently covered), and retains its reddish-brown Don Valley brick facades differentiated with buff-brick lintels and upper-storey window surrounds, and stone quoins, bands and sills. The building is characteristic of Arts and Crafts design.

The property at 33 Maitland Street contributes to an understanding of the social and developmental history of the area north of the city core in the early Twentieth century, when the area was significantly redeveloped as a zone concentrated with apartment buildings. Maitland Street retains a significant degree of late-nineteenth and early-twentieth century character. Within a two-block stretch, Maitland Street is occupied by a total of nine apartment buildings dating from 1910 to 1930, including 33 Maitland Street.

City Council included the property at 33 Maitland Street on the Heritage Register on February 7, 2023, and issued a Notice of Intention to Designate on July 25, 2023.

#### 37 Maitland Street

The property at 37 Maitland Street contains a two-storey Georgian-style building with Italianate influences that was constructed as a residence for Samuel George in 1858. Characteristic of the Georgian style, the property displays a formal but understated symmetrical, red brick façade as well as a low hipped roof with tall symmetrical

chimneys at each end. Italianate influences include long main floor windows, the flat central portion of the roof, segmental arched and curved window openings, and the glazed and panelled double doors. The polychromatic buff-brick detailing comprising quoins and lintels is also characteristic of Italianate design. Extensions on the side and rear of the house are finished with compatible detailing and matching materials to that of the main portion of the structure. A small side entrance porch with distinctive, curved-slope roof further contributes to, and individualizes the design.

The property at 37 Maitland Street also contributes to an understanding of the social and developmental history of the area north of the city core in the mid-Nineteenth century, when the sparsely populated area consisted largely of detached residences and small villas. The property is the only one of its type on Maitland Street and thereby provides tangible insight into the physical and demographic character of the area in the mid-nineteenth century.

The property at 33 Maitland Street was included on the City of Toronto's Heritage Inventory (now the City's Heritage Register) in 1974. City Council issued a Notice of Intention to Designate on July 25, 2023.

The Designation By-law for both properties was enacted on November 8 and 9, 2024 through By-law Number 1120-2023. The Designation By-law was appealed to the OLT on December 22, 2023.

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*.

## **CONTACT**

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Jason Davidson, Solicitor, Planning & Administrative Tribunal Law Tel: 416-392-4835;  
Email: [Jason.Davidson@toronto.ca](mailto:Jason.Davidson@toronto.ca)

Amanda Hill, Solicitor, Planning & Administrative Tribunal Law Tel: 416-395-5790;  
Email: [Amanda.Hill@toronto.ca](mailto:Amanda.Hill@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information