



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 50 Eglinton Avenue West - Alterations to a Designated Property under Sections 33 of the Ontario Heritage Act

**Date:** October 29, 2024

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

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton - Lawrence

#### 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 litigation or potential litigation.

#### SUMMARY

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The owner of 50 Eglinton Avenue West appealed Council's refusal of its Official Plan Amendment and Zoning By-law Amendment applications for 50-90 Eglinton Avenue West and 17-41 Henning Avenue to the Ontario Land Tribunal ("OLT").

The amendments to the Zoning By-law proposed 46 and 58 storey mixed use buildings on 50-90 Eglinton Avenue West, with approximately 1,206 residential dwelling units and non-residential uses at-grade and a 34 storey residential building on the Henning Avenue properties, with approximately 373 residential dwelling units.

The focus of this report is the owner's application under Section 33 of the *Ontario Heritage Act* which requests City Council's consent to alterations to the designated property at 50 Eglinton Avenue West. Council requires the advice of the Toronto Preservation Board in respect of matters which may impact a designated heritage property.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council, 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 is about litigation before the Ontario Land Tribunal and contains advice or communications that are 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 July 16, 2019, Council stated its intention to designate the property at 50 Eglinton Avenue West under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.NY7.8>

City Council passed City of Toronto By-law 1641-2019 designating the property on November 27, 2019. By-law 1641-2019 is in effect. The designation by-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2019/law1641.pdf>

### **Related Current Development Applications**

On July 24, 2024, City Council refused the Official Plan Amendment and Zoning By-law Amendment applications for 50-90 Eglinton Avenue West and 17-19 Henning Avenue. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY15.8>

On November 8, 2023, City Council refused the Official Plan Amendment and Zoning By-law Amendment applications for 17-41 Henning Avenue. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY8.6>

## COMMENTS

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### Heritage Permit Application

The owner submitted an application under sections 33 of the *Ontario Heritage Act*. The construction will incorporate the existing heritage building at 50 Eglinton Avenue West as part of the new proposed mixed-use building at 50-90 Eglinton Avenue West. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act* to permit alterations to the designated property at 50 Eglinton Avenue West.

### Heritage Properties

The designated heritage property is a building (known as the former Eglinton Substation) which rises two extended stories on the sloped site with the raised base that is higher at the south end and has stone band courses and flat-headed window openings on the south, east and north elevations that is made of red brick cladding, stone and wood detailing.

The property is located on the northwest corner of Duplex Avenue, west of Yonge Street in the Yonge-Eglinton neighbourhood and the historic community of North Toronto. 50 Eglinton Avenue West was constructed in 1922 by the Toronto Hydro-Electric System to provide power for the extension of the electric street railway, the existing radial railway on Yonge Street, and the Eglinton Carhouse.

The property is a well-crafted example of Edwardian Classicism applied to a hydro substation from the interwar period that was custom-designed for the Toronto Hydro-Electric System. As the most popular style of architecture for most building types in the early decades of the 20th century, the "Eglinton Substation" exemplifies the style in the somber brick cladding with the stone detailing on the door and window surrounds, coping and cornice, with the latter incorporating a name band reading "Toronto Hydro Electric System" on its principal south elevation.

The heritage property is not adjacent to any listed or designated heritage properties and is not located within or adjacent to any Heritage Conservation District.

### Conservation Strategy

The proposed conservation strategy for the designated heritage property at 50 Eglinton Avenue West includes the following alterations:

- Partial retention of the primary Eglinton Avenue West (south) elevation and Duplex Avenue (east) elevation, in situ, and incorporated into the new mixed-use building;
- Portions of the return west wall will be reconstructed;
- Above the retained heritage building, a 2.0 metre step back will extend along the full extent of the retained heritage building;

- Above the one storey reveal, the upper portion of the mixed-use building projects back to the property line;
- Along the east elevation at Duplex Avenue, certain openings will be enlarged in order to provide natural light in the non-residential internal spaces and the proposed altered openings will be aligned with the pattern of existing windows above;
- Enlarge the recessed entrance; and
- Salient heritage attributes such as the stone cladding, double height window openings and roofline detail will be integrated into the mixed-use development.

The proposed conservation strategy for the designated heritage property at 50 Eglinton Avenue West includes the following rehabilitative and restorative actions:

- Clean brick and stone masonry by low pressure water wash;
- Remove all paint on stone surfaces by low pressure water wash or appropriate material cleaning, as required;
- Repair brick masonry and repoint mortar joints, where required;
- Remove all existing windows (not the window openings) and replace them with new sympathetic units, of same style, based on archival photography. This includes panes, and diagonal muntin patterns;
- Restore brick parapet detailing (which may require dismantling and rebuilding);
- Clean and restore stone details including door and window surrounds, coping, cornice and banding;
- Restore the original metal entry door's interior and exterior; and
- Rebuilding the west return wall with existing pattern and brick materials.

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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50 Eglinton Avenue West - Application to Alter a Designated Heritage Property under Section 33 of  
*Ontario Heritage Act*

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Location Map
2. Public Attachment 2 - Photographs of Existing Building
3. Confidential Attachment 1 - Confidential Information
4. Confidential Appendix "A" - Confidential Information