

1779-1787 Bayview Avenue - Official Plan and Zoning By-law Amendment and Site Plan Control Applications - Heritage Matters

Date: March 4, 2024

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The owner appealed its Zoning By-law Amendment and Official Plan Amendment Applications to the Ontario Land Tribunal ("OLT") on April 20, 2023. The applicant has also appealed the Site Plan application to the OLT due to Council not making a decision within the time frame prescribed in the *Planning Act*.

During its meeting of October 11 and 12, 2023, City Council directed the City Solicitor and appropriate City staff to attend the OLT in opposition to the current applications regarding the Official Plan, and Zoning By-law Amendment and Site Plan Control appeals for the lands at 1779-1787 Bayview Avenue and to continue discussions with the applicant to resolve outstanding issues.

The subject site contains three separate properties: 1787 Bayview Avenue, 1783-1785 Bayview Avenue, and 1779-1781 Bayview Avenue. The 1787 Bayview Avenue property contains the Leaside station of the Eglinton Crosstown LRT line, 1783-1785 Bayview Avenue contains a fourplex dwelling that was designated under Part IV of the *Ontario Heritage Act* on January 31, 2019, and 1779-1781 Bayview Avenue contains a six-plex dwelling that has been identified as having potential cultural heritage value within the Yonge-Eglinton Secondary Plan.

A separate report will be brought forward to City Council in respect of the appeals before the OLT. This report and the subsequent report will be considered together by City Council at that time.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential 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 the Confidential Attachment 1 and Confidential Appendix "A" and "B" to this report from the City Solicitor, 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

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

Designation of 1783-1785 Bayview Avenue

1783-1785 Bayview Avenue, containing a fourplex dwelling, was designated under Part IV of the *Ontario Heritage Act* on January 31, 2019.

[Agenda Item History - 2018.NY30.6 \(toronto.ca\)](#)

Related Development Applications

At its meeting on October 11 and 12, 2023, City Council considered an Appeal Report on the Official Plan, Zoning By-law Amendment and Site Plan Control Applications.

[Agenda Item History - 2023.NY7.5 \(toronto.ca\)](#)

COMMENTS

The development site is currently occupied by the Leaside station on the Eglinton Crosstown LRT line at 1787 Bayview Avenue, a fourplex dwelling that was designated under Part IV of the *Ontario Heritage Act* on January 31, 2019 at 1783-1785 Bayview Avenue, and a six-plex dwelling that has been identified as having potential cultural

heritage value within the Yonge-Eglinton Secondary Plan at 1779-1781 Bayview Avenue. The development site is not adjacent to any other heritage properties.

Heritage Property

Located on the east side of Bayview Avenue (north of Parkhurst Boulevard and south of Eglinton Avenue East) in the Leaside neighbourhood, the property at 1783-1785 Bayview Avenue contains a four-unit, two-storey brick and stone-clad apartment building constructed in 1936-1937. The heritage property is one in a unique set of ten properties of similar design which date to the later half of the 1930s.

Originally owned and developed by Henry H. Talbot, builder and Mayor of Leaside, and designed by the architect W.B. Galbraith, the property at 1783-1785 Bayview Avenue is a representative example of a Tudor Revival variation on the Arts and Crafts style. The property is valued for its association with the Leaside Garden Suburb developed in 1912 by the Canadian National Railway. Contextually, the property is important in defining and maintaining the consistent character created with the other nine, adjacent, four-unit apartment buildings.

The property at 1783-1785 Bayview Avenue is designated under Part IV, Section 29, of the *OHA* by Designation By-law 244-2019, as amended by Designation By-law 948-2019. Metrolinx declared it a Provincial Heritage Property on June 8, 2016.

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

Amanda S. Hill, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5790;
Email: Amanda.Hill@toronto.ca

Amrit Sandhu, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1617;
Email: Amrit.Sandhu@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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