



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2111 Yonge Street - Alteration to and Demolition of Heritage Attributes at a Designated Property under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions

Date: October 23, 2024

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 12 - Toronto-St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

In September 2023, the applicant submitted an application for an Official Plan Amendment and Zoning By-law Amendment for 2079-2111 Yonge Street, 9-11, 21, and 31 Hillsdale Avenue East and 12-18 Manor Road East to permit a 29-storey mixed-use building with 486 residential units and 2,000 square metres of non-residential gross floor area. The designated heritage building at 2111 Yonge Street was proposed to be partially retained with alterations.

On March 20, 2024, City Council refused the Official Plan and Zoning By-law Amendment applications and the applicant appealed City Council's decision on the application to the Ontario Land Tribunal (OLT).

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. This advice will be considered.

The City Solicitor requires further direction with respect to upcoming OLT proceedings and this matter can not be deferred.

2111 Yonge Street - Alteration to and Demolition of Heritage Attributes at a Designated Property under Part IV of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Request for Directions

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the 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 to this report from the City Solicitor and Confidential Appendix "A", 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

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

City Council included the subject property at 2111 Yonge Street on the City of Toronto's Heritage Register on October 2, 2017 as part of the multiple listing report for Midtown in Focus - Phase 1: Main Street Properties. The item can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2017.PG22.5>

On December 13, 2023, City Council stated its intention to designate the property at 2111 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act*. The item can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC13.28>

On March 20, 2024, City Council adopted the recommendations in Item TE11.10 - 2079-2111 Yonge Street, 9-11, 21, and 31 Hillsdale Avenue East and 12-18 Manor Road East - Official Plan and Zoning By-law Amendment Application - Decision Report - Refusal which directed the City Solicitor to attend to OLT in opposition to the Official Plan and Zoning By-law Amendment. The item can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE11.10>

On April 18, 2024, City Council enacted Designation By-law 370-2024 for the property at 2111 Yonge Street. The item can be found here:

[By-law 370-2024 \(toronto.ca\)](https://www.toronto.ca/by-law-370-2024)

COMMENTS

Heritage Property

The designated heritage property is located at 2111 Yonge Street on the southeast corner of Yonge Street and Hillsdale Avenue East. It was constructed for Charles Murphy between 1906 and 1912 to house his business, Charles Murphy & Sons Hardware. The business operated at the site until 1940 in the Davisville neighbourhood.

The property is a representative example of a corner mixed-use main street commercial property. The property's unified two-storey commercial storefront, originally designed to appear as a single storey, is unique among the properties on Yonge Street between Belsize Drive and Hillsdale Avenue East. There is a clear delineation between the first-storey commercial and upper storey residential use. The property is important in defining, maintaining, and supporting the character of the surrounding area. Its square, two-storey form, brick cladding, restrained classical details, and commercial storefront contribute to the early 20th century main street commercial character of Yonge Street between Belsize Road and Hillsdale Avenue, while the smaller punched fenestration along Hillsdale Avenue East defines the transition between the commercial character of Yonge Street and the residential character of Hillsdale Avenue East.

The property's full Statement of Significance along with list of heritage attributes can be found in [Designation By-law 370-2024](#).

The subject site also includes two other buildings listed on the City's Heritage Register, located at 2079-2085 Yonge Street and 2093-2109 Yonge Street. These properties were listed on the City's Heritage Register in 2017 as part of the multiple listing report for Midtown in Focus - Phase 1: Main Street Properties. Pursuant to the prescribed-event, Heritage Planning staff evaluated the properties under the Ontario Regulation 9/06 criteria, and they were not subsequently recommended for designation under Part IV of the *Ontario Heritage Act*.

Heritage Permit Applications

Any new built form will be the subject of a separate report to City Council, whereas this report will consider a heritage application pursuant to the *Ontario Heritage Act* for proposed demolition and alteration. The applicant is proposing to incorporate the facades of the designated heritage building at 2111 Yonge Street into any new construction. Approval is required under Section 33 and Section 34(1)1 of the *Ontario Heritage Act* to permit the alteration of and demolition of heritage attributes on a designated heritage property.

Conservation Strategy

The proposed conservation strategy for the designated heritage property at 2111 Yonge Street includes:

- Retention in-situ of the principal (west) elevation fronting Yonge Street and north elevation fronting Hillsdale Avenue East, along with approximately 1.3 metres of the south wall. The rear two-storey addition from 1928 is not an identified heritage attribute and is proposed to be demolished. A small masonry return wall will be reconstructed to reflect the original building's former rear (east) elevation;
- The interior of the building, including second storey floor plate will be demolished for new construction. An approximately 6 metre (20 foot) demising wall on the interior of the building is proposed, demarcating the original southern extent of the heritage building;
- The punched square fenestration with rough hewn sills and square ashlar lintels on the north elevation are identified as heritage attributes. These are not original to the building and are proposed to be demolished and replaced with new larger punched, square windows on the first and second storey;
- The principal (west) façade of the heritage building, including its two-storey commercial storefront with pressed metal cornice wrapping around to the north elevation is proposed to undergo restoration based upon available archival images. Original architectural elements lost over time, including the recessed chamfered entrance configuration and original window openings in the second storey are proposed to be reinstated. Repair and cleaning of the existing modillions at the roof line and dentilled cornice is also proposed. The features above along with any paint removal, masonry cleaning and repair, will be further detailed in the required Conservation Plan;
- A stepback of 3 metres above the retained heritage building along both Yonge Street and Hillsdale Avenue East is proposed, with a 1.75 metre overhang at level 4 fronting Yonge Street; and
- No balcony projections are proposed above the heritage building and detailed materiality and articulation will ensure that the development is subordinate to the heritage building;

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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