



Decision Letter

Toronto Preservation Board

Meeting No.	15	Contact	Matthew Green, Committee Administrator
Meeting Date	Monday, March 18, 2024	Phone	416-392-4666
Start Time	9:30 AM	E-mail	hertpb@toronto.ca
Location	Video Conference	Chair	Julia Rady

PB15.8	ACTION	Adopted		Ward: 11
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38 Walmer Road - Alterations to and Demolition of Heritage Attributes and Demolition of Buildings on a Designated Property - Refusal

Board Decision

The Toronto Preservation Board recommends that:

1. City Council refuse the issuance of an alteration permit for the heritage property at 38 Walmer Road (including entrance address at 188 Lowther Avenue), in accordance with Section 33 of the Ontario Heritage Act.
2. City Council refuse the issuance of a demolition permit for the demolition of heritage attributes of the heritage property at 38 Walmer Road (including entrance address at 188 Lowther Avenue), in accordance with Section 34(1)1 of the Ontario Heritage Act.
3. City Council refuse the issuance of a demolition permit for the demolition of buildings at the heritage property at 38 Walmer Road (including entrance address at 188 Lowther Avenue), in accordance with Section 34(1)2 of the Ontario Heritage Act.
4. In the event this matter is appealed to the Ontario Land Tribunal, City Council authorize the City Solicitor and the necessary City staff to attend the hearing in opposition to the appeal.

Decision Advice and Other Information

Clint Robertson, Planner, Urban Design, Heritage Planning, City Planning gave a presentation on 38 Walmer Road - Alterations to and Demolition of Heritage Attributes and Demolition of Buildings on a Designated Property - Refusal.

Origin

(February 26, 2024) Report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on March 18, 2024 the Toronto Preservation Board considered Item [PB15.8](#) and made recommendations to City Council.

Summary from the report (February 26, 2024) from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council refuse an application under Sections 33, Section 34(1)1 and Section 34(1)2 of the Ontario Heritage Act to alter and demolish heritage attributes of the property and the demolition of two heritage buildings at the Walmer Road Baptist Church property at 38 Walmer Road (including entrance address at 188 Lowther Avenue).

On August 4, 2022, Zoning By-law Amendment and Site Plan Control applications were submitted to permit an 80-metre (20-storey) mixed-use building for the subject property. These applications proposed alterations to and demolition of attributes at the Walmer Road Baptist Church sanctuary and the demolition the Memorial Building and Sunday School building which are located to the at 188 Lowther Avenue.

On May 31, 2023, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal due to Council not making a decision within the time frame in the Planning Act.

On July 19, 2023, City Council adopted the staff report recommending designation of the subject property at 38 Walmer Road under Part IV of the Ontario Heritage Act.

On October 11, 2023 City Council directed the City Solicitor, together with City Planning staff and appropriate City staff to attend the Ontario Land Tribunal hearing to oppose the Zoning By-law Amendment and Site Plan Control applications in their current form.

On December 13, 2023 an application under Sections 33, 34(1)1 and 34(1)2 of the Ontario Heritage Act was submitted to alter the property and demolish heritage attributes and demolish two buildings to allow for the construction of a 20-storey mixed-use building on the subject lands. This report recommends that this application is refused as it has not been demonstrated that the cultural heritage value and attributes of the heritage property will be conserved consistent with the heritage planning policy framework, or that the heritage impacts of the proposal would be appropriately mitigated.

Background Information

(February 26, 2024) Report and Attachments 1 - 4 from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning on 38 Walmer Road - Alterations to and Demolition of Heritage Attributes and Demolition of Buildings on a Designated Property - Refusal (<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-243379.pdf>)

Staff Presentation on 38 Walmer Road - Alterations to and Demolition of Heritage Attributes and Demolition of Buildings on a Designated Property - Refusal
(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244226.pdf>)

Communications

(March 15, 2024) Letter from Sandra Shaul, Chair, Heritage Committee, Annex Residents Association (PB.Supp)
(<https://www.toronto.ca/legdocs/mmis/2024/pb/comm/communicationfile-178024.pdf>)

Motions

Motion to Adopt Item moved by Paul Cordingley (Carried)