



Decision Letter

Toronto Preservation Board

Meeting No.	23	Contact	Tanya Spinello, Committee Administrator
Meeting Date	Thursday, October 17, 2024	Phone	416-397-4592
Start Time	9:30 AM	E-mail	hertpb@toronto.ca
Location	Video Conference	Chair	Julia Rady

PB23.3	ACTION	Adopted		Ward: 10
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40-44 Mitchell Avenue - Demolition of Designated Heritage Buildings under Section 34 of the Ontario Heritage Act

Board Decision

The Toronto Preservation Board recommends that:

1. City Council refuse the issuance of a demolition permit for the heritage properties at 40-44 Mitchell Avenue in accordance with Section 34(1)2 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 34(1)2 of the Ontario Heritage Act for the heritage properties at 40-44 Mitchell Avenue, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Land Tribunal hearing in opposition to the appeal.

Decision Advice and Other Information

Erin Smith, Senior Heritage Planner, Heritage Planning, Urban Design, City Planning gave a presentation on 40-44 Mitchell Avenue - Demolition of Designated Heritage Buildings under Section 34 of the Ontario Heritage Act.

Origin

(October 1, 2024) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on October 17, 2024 the Toronto Preservation Board considered Item [PB23.3](#) and made recommendations to City Council.

Summary from the report (October 1, 2024) from the Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council refuse an application under Section 34(1)2 of the Ontario Heritage Act (the "OHA") to demolish the pair of cottages at 40-44 Mitchell Avenue, which are designated under Part IV of the Ontario Heritage Act.

Located on the north side of Mitchell Avenue, the subject properties contain a pair of single-storey semi-detached workers' cottages that are rare, early surviving examples of this typology in Toronto. They are one of the last remaining pairs of the original sixteen pairs of workers' cottages completed in 1858 by James Lukin Robinson on the former Military lands east of Garrison Creek. Collectively and known historically as the Robinson Cottages or Garrison Common Cottages, only six pairs remain, located at 40-44 and 71-75 Mitchell Avenue and 703-705, 719-721, 735-737 and 753-755 Richmond Street West.

Among the first residential buildings constructed in the area, they are important reminders of the origins of the Niagara Street neighbourhood, where they define, support and maintain the historical character. The semi-detached houses feature the near-square plans, low hipped roofs and symmetrical placement of the door and window openings inspired by the bungalow that originated in India, which influenced the early-19th century Regency Cottage and, on a more modest scale, the vernacular workers' cottage.

An application under Section 34(1)2 of the Act has been submitted to demolish the pair of cottages at 40-44 Mitchell Avenue to allow for the construction of two new three-storey residential buildings. Consent and minor variance applications B0026/21TEY, A0272/21TEY and A0273/21TEY were submitted for the proposal in 2021. The consent application is currently under appeal at the Toronto Local Appeal Body (the "TLAB"), and the hearing for the minor variance applications were deferred by the Committee of Adjustment. A Toronto Local Appeal Body hearing date has not been set as it is anticipated that revised plans and minor variances will be submitted shortly, which may also be the subject of appeals and would be consolidated with the consent appeal. This report does not deal with planning matters. It relates solely to the requirements under the Ontario Heritage Act.

Background Information

(October 1, 2024) Report and Attachments 1 to 4 from the Senior Manager, Heritage Planning, Urban Design, City Planning on 40-44 Mitchell Avenue - Demolition of Designated Heritage Buildings under Section 34 of the Ontario Heritage Act

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-249196.pdf>)

Staff Presentation on 40-44 Mitchell Avenue - Demolition of Designated Heritage Buildings under Section 34 of the Ontario Heritage Act.

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-249588.pdf>)

Communications

(October 16, 2024) Letter from John M. Alati, Davies Howe (PB.New)

(<https://www.toronto.ca/legdocs/mmis/2024/pb/comm/communicationfile-183639.pdf>)

Speakers

Chris Uchiyama, LHC