



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 86 Lombard Street - Alterations to a Designated Property and Removal of a Building on a Designated Property under Sections 33 and 34(1)2 of the Ontario Heritage Act

**Date:** January 16, 2025

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

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

### 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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On March 26, 2024, the owner of 86 Lombard Street appealed Council's failure to make a decision within the legislated timelines for Zoning By-law Amendment applications for 86, 100-108 Lombard Street and 103 Richmond Street East to the Ontario Land Tribunal ("OLT").

The amendments to the Zoning By-law proposed a 59-storey (216 metres, including mechanical penthouse) mixed-use building containing 480 dwelling units, 4,321 square metres of office space, and 616 square metres of retail space. The former City Morgue building at 86 Lombard Street is designated under Part IV of the *Ontario Heritage Act* and proposed to be relocated to the eastern portion of the site. A mid-block connection between Richmond Street East and Lombard Street and a public open space are proposed.

This report focuses on the owner's applications under Section 33 of the *Ontario Heritage Act* which requests City Council's consent to alterations to the designated property at 86 Lombard Street and subsection 34(1)2 of the *Ontario Heritage Act*, which requests moving the building on the designated heritage property to another property. 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

City Council passed City of Toronto By-law 846-1979 designating the property under the *Ontario Heritage Act* on October 1, 1979. By-law 846-1979 is in effect. The designation by-law can be found here:

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1979-0846.pdf>

### Related Current Development Applications

On October 9, 2024, City Council directed the City Solicitor and appropriate City staff to attend the OLT to oppose the Zoning By-law Amendment applications for 86, 100-108 Lombard Street and 103 Richmond Street East. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE16.9>

## COMMENTS

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### Heritage Permit Application

The owner submitted heritage permit applications under section 33 and 34(1)2 of the *Ontario Heritage Act*. The proposed construction on the development site will maintain the existing heritage building at 86 Lombard Street, as a whole building, and move the whole building to the property municipally known as 100 Lombard Street, as part of the new proposed mixed-use building. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act* to permit alterations to the designated property at 86 Lombard Street. Approval is also required for this proposal under subsection 34(1)2 of the *Ontario Heritage Act* to permit removal of a building on a designated property to be located on another property, in this case 100-108 Lombard Street, adjacent to the designated heritage property at 110 Lombard Street (Lombard Fire Hall).

### Heritage Properties

The designated heritage property is a building (known as the former City Morgue Building). It is a two-storey red brick and limestone building built in 1907-1908 by the City of Toronto to serve as a morgue facility. The former Morgue Building is representative and well-crafted example of an early-20th century institutional building built in the Edwardian Classical style according to Beaux-Arts principles. The property is located along the north side of Lombard Street, west of Jarvis Street in the Old Town Neighbourhood. The property and the former Morgue Building are also historically linked to the expansion of municipal services in the late 1800's and early 1900's. The property and the former Morgue Building are contextually important in supporting and maintaining the institutional character along Lombard Street. The property and the former Morgue Building is also considered a landmark building in By-law 846-1979.

The former Morgue Building is rectangular in form and massing, with a low-pitch hipped roof, stone-capped pilasters, stone sills and lintels, stone foundation, and decorative wooden dentils and stone medallions below the eaves line. The symmetrically arranged window openings on the front (south) elevation are grouped in threes, with the exception of a second floor double window above the front door. A central concrete (6-riser) staircase leads to the main entrance, with double-doors and a transom window. The doorway is surrounded by quoined limestone and a stone pediment. Low planting beds with ornamental trees flank the exterior staircase.

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

- 110 Lombard Street (designated under Part IV of the *Ontario Heritage Act* by by-law 546-1986, which is the Lombard Street Fire Hall built in 1886);

- 114 Richmond Street East (99 Queen Street East) (designated under Part IV of the *Ontario Heritage Act* by by-law 51-1983, which is the former Robertson Bros. Chocolate Factory along the north side of Richmond Street); and
- the protected view of St. James Cathedral Spire.

The properties at 100-108 Lombard Street and 103 Richmond Street East are not listed on the City's Heritage Register or designated under Part IV or Part V of the *Ontario Heritage Act*.

## **Conservation Strategy**

The proposed conservation strategy for the designated heritage property at 86 Lombard Street includes the following alterations, rehabilitative and restorative actions:

- Remove later additions, single-storey brick garage and stables;
- Introduce new below-grade foundation at the new location;
- Replace all existing windows (non-original) with new sympathetic windows, without affecting the existing window openings;
- Rehabilitate or replace existing double doors with new sympathetic doors to match original profile;
- Install new asphalt shingles;
- Install new metal flashing, gutters and downspouts;
- Conduct masonry restoration at the base of the building to repair any localized impacts of relocation;
- Brick-in existing basement-level windows openings on return elevations and/or utilize for mechanical ventilation; and
- Conduct masonry cleaning and repair, where required.

The former Morgue Building at 86 Lombard Street is proposed to be removed and relocated to the eastern portion of the development site at 100 (and 108) Lombard Street. The proposed conservation strategy supporting the removal and relocation includes:

- Retention of the original building in its entirety which will allow the Morgue Building to maintain the wholeness and intactness necessary to convey its cultural heritage value;
- Maintaining and providing the setback from Lombard Street to support and enhance the building's civic presence;

- Maintaining and reinforcing the proximity of the original building to the Lombard Fire Hall;
- Providing open space adjacent and surrounding the re-located former Morgue Building to provide space and visual separation between the Morgue Building and the new development; and
- Providing vertical and horizontal separation of the relocated Morgue Building that is completely separate from the built form in the new development, with new adaptive retail/commercial uses proposed in the Morgue Building.

Any potential impacts to masonry resulting from the relocation work will be repaired and restored through the conservation scope of work, along with general masonry repair and cleaning across the entirety of the retained building.

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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## **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