



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1117 Queen Street West - Alterations to a Designated Property and Demolition of Heritage Attributes of a Building on a Designated Property under Sections 33 and 34(1)1 of the Ontario Heritage Act - Request for Directions

Date: March 19, 2025

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 9 - Davenport

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

On February 26, 2024, the owner of 1117 Queen Street West appealed Council's refusal of the Official Plan Amendment and Zoning By-law Amendment applications for 1117 Queen Street West (the "Original Development Applications") to the Ontario Land Tribunal (the "Tribunal").

On June 17, 2024, the owner appealed Council's refusal of the applications to alter and demolish heritage attributes of the property at 1117 Queen Street West under Sections 33 and 34(1)1 of the *Ontario Heritage Act* to the Tribunal (the "Original Permit Requests"). The heritage permit applications reflected the proposal in the above noted Official Plan and Zoning By-law Amendment applications.

On October 4, 2024, the Tribunal issued the Procedural Order regarding the appealed Original Development Applications and Original Permit Requests, and set down a 10 day hearing commencing on July 7, 2025.

On February 4, 2025, as permitted by the Procedural Order, the owner filed revisions to the Original Development Applications and Original Permit Requests.

The Original Development Applications have been revised to propose the construction of a 28 storey, mixed use building, partially retaining the designated heritage Postal Station 'C' building at the base. The development proposes a total gross floor area of 17,353 square metres, consisting of 16,421 square metres of residential floor space and 932 square metres of community space. A total of 272 residential units are proposed and one level of underground parking for 309 bicycles. Loading for the site is accessed from Lisgar Street (the "Revised Development Applications").

This report focuses on the owner's revisions to the Original Permit Requests (described below) under Section 33 of the *Ontario Heritage Act* which requests City Council's consent to alterations to the designated property at 1117 Queen Street West and subsection 34(1)1 of the *Ontario Heritage Act*, which requests the demolition of specified heritage attributes on the building of the designated heritage property. Council requires the advice of the Toronto Preservation Board in respect of matters which may impact a designated heritage property.

RECOMMENDATIONS

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 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

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

Designation of the Property

The property was listed on the City of Toronto's Inventory of Heritage Properties (now the Heritage Register) on June 20, 1973.

City Council passed City of Toronto By-law 961-2023 designating the property under Part IV, Section 29 of the *Ontario Heritage Act* on October 12, 2023. By-law 961-2023 is in effect. The designation by-law can be found here:
<https://www.toronto.ca/legdocs/bylaws/2023/law0961.pdf>

On December 17, 2024, City Council adopted the designation of the West Queen Street West Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*.
<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE18.10>

Heritage Permit Applications

On May 22, 2024, City Council refused the Alterations to and Demolition of Heritage Attributes of a Designated Property at 1117 Queen Street West.
<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC18.18>

Related Current Development Applications

On October 9, 2024, City Council refused the Official Plan Amendment and Zoning By-law Amendment Applications for 1117 Queen Street West. City Council's decision may be found here:
<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC14.13>

Related Policy Directions Applicable to the Site

On July 14, 2021, City Council adopted a Motion to direct the City Manager to request the Minister of Public Services and Procurement Canada to instruct Canada Post to immediately halt the proposed sale of the publicly-owned former Canada Post site at 1117 Queen Street West and work with City staff, Toronto Arts Council and members of the local community to examine and take measures to retain the building in public ownership for the purpose of establishing a cultural and arts hub. City Council's decision may be found here:
<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.1>

At its September 30 and October 1, 2020 meetings, City Council adopted OPA 445 which provides policy direction related to conservation of heritage properties in the area including 1117 Queen Street West. On November 10, 2023, the Ontario Land Tribunal (OLT) approved modifications to OPA 445 and brought OPA 445 into effect for all lands, except for portions remaining under appeal on a site-specific basis that do not pertain to 1117 Queen Street West. The OLT Decision in OLT File OLT-22-002046 may be found here:
<https://jus-olt-prod.powerappsportals.com/en/estatus/details/?id=e8b3a9c4-367d-ec11-8d21-0022483d6bdd>

COMMENTS

Heritage Permit Application and Appeal

Through submission of the Revised Development Applications, the owner revised their appealed Original Permit Requests 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 1117 Queen Street West, with requested alterations and demolitions (as described below), to be integrated into the new mixed use development. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act* to permit alterations to the designated property at 1117 Queen Street West. Approval is also required for this proposal under subsection 34(1)1 of the *Ontario Heritage Act* to permit demolition of heritage attributes identified in the designation by-law.

Heritage Properties

The property at 1117 Queen Street West is located on the south side of Queen Street West in the West Queen West neighbourhood. The property is surrounded on all four sides by the public realm, facilitating visibility and access to all four of the building's elevations. The property is flanked by Lisgar Street to the east and a City-owned public space and Abell Street to the west. Lisgar Park is located immediately south of the site with a public laneway located between the existing building and Lisgar Park.

The property contains Postal Station 'C', a two-storey Beaux-Arts building completed in 1903 and designed by the architecture branch of the federal Department of Public Works. Postal Station 'C' is considered a local landmark within the West Queen West neighbourhood. The property is designated under Part IV of the *Ontario Heritage Act*, through designation by-law 961-2023.

Located within the Council-adopted West Queen West Heritage Conservation District (WQWHCD), the property is a contributing property and classified as a Landmark. The WQWHCD is under appeal.

Heritage Adjacencies

The property is located adjacent to 1115 Queen Street West (The Theatre Centre), a property designated under Part IV of the *Ontario Heritage Act*, as well as adjacent to four listed heritage properties at 1128-1134 Queen Street West. All of the properties at 1115 Queen Street West, and 1128-1134 Queen Street West are contributing properties within the WQWHCD.

Revised Conservation Strategy

The Revised Development Applications continue to contemplate redeveloping the subject property for the construction of a 28-storey mixed use building.

The comments in this Heritage Report only deal with the requested changes to the building and property at 1117 Queen Street West and immediate massing above each elevation of cultural heritage value on the designated heritage property. In this case and in this specific context, the overall height of the building and upper level massing are not heritage considerations, provided they do not encroach to reduce or impact the minimum dimensions set out below or further alter or change the requested alterations/demolitions identified below in the Conservation Strategy.

The Revised Conservation Strategy for the designated heritage property retains the existing north, east, west and partial (5.5 metres) south elevations of the existing Postal Station 'C' in-situ and incorporates them into the base of the development with a curved addition above that has been designed to gradually pull away from Queen Street West.

The Heritage Impact Assessment and Addendum prepared by ERA Architects dated January 31, 2025 (the "Revised HIA"), outlines the following revisions to the Conservation Strategy regarding the new addition's massing (the "Revised Heritage Strategy"):

- The reveal (initial portion of the curved addition above the heritage building) is proposed to be glazed and has been increased in height to 5.65 metres (previously 3.3 metres) where it fronts onto Queen Street West.
- The glazed reveal is stepped back from the heritage building's principal elevation along Queen Street West by 7 metres (reduced from 8.4 metres) at its smallest point. Given the curved shape of the addition, this stepback gradually increases pulling away from Queen Street West on either side. The stepback of the reveal follows this curve along the side elevations and is generally 1.1 metres at its smallest point above the rear portion of the east and west elevations.
- The addition cantilevers out a maximum of 2 metres above the reveal, achieving a minimum 5 metres stepback from the building's principal elevation at its smallest point (reduced from 7 metres). Given the curved shape of the addition, this stepback also gradually increases pulling away from Queen Street West on either side. The curved form of the addition was reshaped so that the portion of cantilevering beyond the back sides of the heritage building is limited. The addition now cantilevers over this limited portion of the building's side elevations by an approximate maximum of 0.9 metres (reduced from 2 metres) at its greatest extent.
- The structural supports of the addition have been revised from two large angled structural columns into a solid contemporary form that extends from the south elevation of the heritage building fronting Lisgar Park. This addition has been shaped and rounded, allowing visibility of the south returns of the heritage building.

Of note, Public Attachment 3 contains extracts from the Revised Plans and Drawings prepared by Giannone Petricone Associates, dated January 31, 2025 which identify a recently submitted development application for an OPA and ZBA at 1153 Queen Street West - Application to Alter a Designated Heritage Property and Demolition of Heritage Attributes of a Building on a Designated Property under Sections 33 and 34(1)1 of the *Ontario Heritage Act* - Request for Directions

West (File 24 238364 STE 09 OZ). These graphics while inserted by the applicant in the Revised HIA do not form part of the heritage context or the existing and planned context of Queen Street West.

The Revised HIA outlines the following alterations and demolitions in the Revised Development Applications that have not changed from the Conservation Strategy in the Original Permit Requests (the "Retained Heritage Strategy"):

With Respect to the Addition:

- In order to mitigate the visual and physical impacts of the addition, its design includes a distinct curve, which gradually pulls back from the landmark heritage building as viewed from Queen Street West.

With Respect to Alterations to the Heritage Property:

- In-situ retention of the building's north, east and west elevations and two 5.5 metre returns of the south elevation in accordance with Appendix E of the HIA Façade Retention Feasibility Memo prepared by Jablonsky, Ast & Partners dated September 6, 2023 and revised September 21, 2023 ("Jablonsky Engineering Memo").
- The expansion of the basement to the site's property lines while conserving in-situ the building's north, east and west elevations and two 5.5 metre returns of the south elevation in accordance with the Jablonsky Engineering Memo.
- Removal of all interior building fabric, including existing ground floorplate.
- Alterations to the principal elevation's two flanking entrances raised above grade and accessed by wide stairways and landings (heritage attributes) by removing the existing non-original stairs with landings and accessibility ramp, and lowering both doors to grade for accessibility and to align with new interior floorplate level.
- Alterations to the east and south elevations for two doorways and one window (heritage attributes) to be lowered to grade to provide for new entrances.
- Reinstatement of previously infilled window openings on the east and south elevations.
- Replacement of non-original windows and doors with sympathetic replacements.
- Removal of the existing c. 2012 loading dock on the south elevation.
- Amenity space is proposed on the roof of the heritage building.

With Respect to Demolition of Heritage Attributes

- Demolition of the two symmetrically arranged brick chimneys (heritage attributes) on the south elevation.
- Demolition of 13.2 metres of the central portion of the rear (south) elevation (containing heritage attributes).

The City Solicitor requires further instructions regarding the Revised Heritage Permit Requests (being the Revised Heritage Strategy and Retained Heritage Strategy). 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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Location Map
2. Public Attachment 2 - Photographs of Existing Building
3. Public Attachment 3 - Extracts from the Revised Plans and Drawings prepared by Giannone Petricone Associates, dated January 31, 2025
4. Confidential Attachment 1 - Confidential Information