

Designation of the Kensington Market Heritage Conservation District under Part V of the Ontario Heritage Act

Date: December 13, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Ward 11 - University-Rosedale

SUMMARY

This report recommends that City Council designate the area referred to as Kensington Market as a Heritage Conservation District ("HCD"), identified on the map in Attachment 1 to this report, and adopt the Kensington Market HCD Plan by by-law under Part V of the Ontario Heritage Act.

The designation of Kensington Market (the "District") as an HCD and adoption of the HCD Plan will manage change within the District to conserve the area's cultural heritage value through the implementation of contextual, place-based policies and guidelines.

In March 2015, City Council authorized and prioritized the Kensington Market HCD Study. In March 2016, City staff, with a consultant team led by Taylor Hazell Architects, began a study of the potential for this area to be designated as an HCD under Part V of the Ontario Heritage Act. Upon the Toronto Preservation Board's endorsement of the HCD Study (2017) recommendations, City staff prepared the HCD Plan and focused efforts on its finalization and community consultation including urban Indigenous communities over the past two years. The Kensington Market HCD Study process and the HCD Plan have been prepared in accordance with provincial legislation and Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference.

Kensington Market, a National Historic Site, is a unique and important historic neighbourhood with a distinctive identity and sense of place. The neighbourhood is a microcosm of Canada's diverse immigrant population, where many different ethnocultural communities have each added to the area's layers of built form variety and contributed to a vibrant street life. The public realm and built environment of the area are a staging ground for the activities and uses that also contribute to the

neighbourhood's character and intangible heritage, including its sense of anarchy, inclusivity, and a history of experimentation.

The District encompasses 704 properties. For all HCDs adopted following January 1, 2023, as per Regulation 569/22 of the OHA, at least 25 percent of the properties within the defined area must meet two or more of the nine criteria for determining cultural heritage value or interest. In the proposed Kensington Market HCD, more than 50 percent of the properties satisfy two or more of the criteria.

December 12, 2024, marks the 50th anniversary of the introduction of Bill 176 - An Act to provide for the Conservation, Protection and Preservation of the Heritage of Ontario (now known as the Ontario Heritage Act), to the Ontario Legislature, which established the concept of heritage conservation districts as a regulatory tool for municipalities. The Act received assent on February 6, 1975. To date, there are 27 districts across Toronto that are designated under Part V of the Ontario Heritage Act. Kensington Market is one of three HCD plans that will be recently under consideration by Council for adoption.

During the last half century, concepts of identifying and evaluating heritage resources have evolved. While early preservation work focused on the retention of landmarks and monuments, conservation efforts have expanded to include sites associated with social value and intangible heritage. This shift has also reflected Indigenous understandings of heritage, which emphasize landscape and ritual while de-emphasizing physical structures. More recent conservation practices prioritize the relationships between people, buildings, and landscapes that ground communities with a sense of place. The Kensington Market HCD Plan embraces social value as an integral component of the District's significance, informing the framework of policies and guidelines to manage the area's ongoing evolution while sustaining its distinct identity.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council, in accordance with Section 41 of the Ontario Heritage Act, designate by by-law the area shown on Attachment 1 to the report December 13, 2024, from the Senior Manager, Heritage Planning, Urban Design, City Planning, as the Kensington Market Heritage Conservation District.
2. City Council adopt by by-law the Kensington Market Heritage Conservation District Plan as the District Plan for the Kensington Market Heritage Conservation District, included as Attachments 5 and 6 to the report, December 13, 2024, from the Senior Manager, Heritage Planning, Urban Design, City Planning.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Kensington Market Heritage Conservation District Plan, included as Attachments 5 and 6 to the report, December 13, 2024, from the Senior Manager, Heritage Planning, Urban Design, City Planning, as deemed necessary by and at the sole discretion of the City Solicitor in consultation with the Chief Planner and Executive Director, City

Planning and the Senior Manager, Heritage Planning, Urban Design, City Planning and to ensure that such stylistic and technical changes are reflected within the Kensington Market's HCD Plan's policies, guidelines, schedules, appendices and maps.

4. If there are any appeals to the by-law under Section 41 of the Ontario Heritage Act, City Council direct the City Solicitor, together with the City's outside counsel and any other appropriate City staff and/or outside consultants to appear before the Ontario Land Tribunal to defend the by-law.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

On March 5, 6, and 7, 2012, City Council adopted the document titled "Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference" (January 2012) for the nomination, studying and planning of Heritage Conservation Districts in Toronto. At the same meeting, City Council directed staff to develop a prioritization system to determine which potential heritage conservation districts should be undertaken first.

[PG11.5 - Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference](#)

On March 31, 2015, City Council adopted the amended Council-approved prioritization system and criteria as shown in Attachments 1A-6A to the report February 3, 2015, from the Chief Planner and Executive Director, City Planning. At the same meeting, City Council directed the Chief Planner and Executive Director, City Planning, to initiate the study of West Queen West, Distillery District and Kensington Market districts in 2015, as a result of the application of the prioritization criteria.

[PG2.8 - Toronto Heritage Conservation District \(HCD\) Study Prioritization](#)

On September 30, October 1 and 2, 2015, City Council directed staff to report back on opportunities and tools to support small business enterprises in Kensington Market and to report on recommendations to protect the scale, mix of uses and character of Kensington Market in co-ordination with the timing of the results of the Kensington Market Heritage Conservation District Study.

[TE10.67 - Kensington Market Study of Restaurant and Bar Uses - Preliminary Directions and Next Steps](#)

On May 10, 2016, Toronto and East York Community Council adopted a motion to expand the Kensington Market HCD Study Area boundaries.

[TE16.66 - Kensington Market Heritage Conservation District Study - Study Area Boundaries](#)

On September 28, 2017, the Toronto Preservation Board endorsed the preparation of a Heritage Conservation District Plan for the Kensington Market Neighbourhood.

[PB26.6 - Proceeding from Study to Plan Phase for the Proposed Kensington Market Neighbourhood Heritage Conservation District](#)

On July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted a Member's Motion to designate a Study Area by-law pursuant to Section 40.1 of the Ontario Heritage Act, prohibiting the demolition or removal of any buildings or structures on commercial and mixed-use properties within the study area for a period of one year.

[MM44.115 - Kensington Market Neighbourhood - Designation of Study Area By-Law](#)

On November 26, 2019, City Council adopted recommendations to amend Zoning By-law 438-86 and By-law 569-2013 to restrict the maximum interior floor area for restaurant, bar, and similar uses to 100 square metres. The report concluded that a multi-faceted approach to Kensington Market was necessary and identified the Heritage Conservation District Plan as one of several concurrent city initiatives related to the Restaurant and Bar Study.

[TE10.8 - Kensington Market Restaurant and Bar Study - Final Report](#)

On July 19, 2023, City Council listed the properties at 21-37 Kensington Avenue on the Heritage Register. The properties comprise three adjacent groupings of bay-and-gable buildings that collectively support an important streetscape within the Kensington Market Heritage Conservation District study area.

[TE6.32 - 1191 Bathurst Street, 6-12 Cawthra Square, 21-37 Kensington Avenue, and 171 Lowther Avenue - Inclusion on the Heritage Register](#)

BACKGROUND

Legislative Framework

Provincial Planning Statement and Planning Act

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place. In Ontario, heritage conservation is identified as a provincial interest under the Planning Act. Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth under the Provincial Planning Statement ("PPS (2024)"). Heritage conservation is enabled through the Ontario Heritage Act. The City of Toronto's Official Plan implements the provincial policy regime and provides policies to guide decision-making within the city.

Good planning within the provincial and municipal policy framework has at its foundation an understanding and appreciation for places of historic significance and ensures the

conservation of these resources is to be balanced with other provincial interests. Heritage resources may include buildings, structures, monuments, and geographic areas that have cultural heritage value or interest to a community, including an Indigenous community.

The Planning Act establishes the foundation for land use planning in Ontario, describing how land can be controlled and by whom. Section 2 of the Planning Act identifies heritage conservation as a matter of provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, historical, archaeological, or scientific interest. Heritage conservation contributes to other matters of provincial interest, including the promotion of built form that is well designed, and that encourages a sense of place.

The Planning Act requires that all decisions affecting land use planning matters shall be consistent with the PPS (2024) which positions heritage as a key component in supporting key provincial principles and interests.

<https://www.ontario.ca/laws/statute/90p13>

The Provincial Planning Statement (2024) provides policy direction on land use planning in Ontario and is to be used by municipalities in the development of their official plans and to guide and inform decisions on planning matters, which shall be consistent with the PPS (2024). The PPS (2024) articulates how and why heritage conservation is a component of good planning, explicitly requiring the conservation of cultural heritage and archaeological resources, alongside the pursuit of other provincial interests. It provides specific direction for the protection of built heritage resources, cultural heritage landscapes, archaeological resources, and areas of archaeological potential, both on development sites and where development is proposed on adjacent properties. The PPS states that cultural heritage and archaeology help provide people with a 'sense of place'.

Policy 4.6.1 of the PPS (2024) directs that "Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved." Policy 4.6.3 specifies that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved." Policy 4.6.4 (b) encourages planning authorities to develop and implement proactive strategies for conserving significant built heritage resources and cultural heritage landscapes. Through the definition of conserved, protected heritage property, built heritage resources, and cultural heritage landscape, the PPS (2024) identifies the Ontario Heritage Act as the primary legislation through which heritage conservation will be implemented.

<https://www.ontario.ca/files/2024-10/mmah-provincial-planning-statement-en-2024-10-23.pdf>

Ontario Heritage Act

The Ontario Heritage Act (the "OHA") is the key provincial legislation for the conservation of cultural heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through listing on the

City's Heritage Register, designation of individual properties under Part IV of the OHA, or designation of districts under Part V of the OHA.

Section 27 of the OHA gives municipalities the authority to maintain and add to a publicly accessible heritage register. The City of Toronto's Heritage Register includes individual heritage properties that have been designated under Part IV, Section 29 of the OHA and properties in a heritage conservation district designated under Part V, Section 41 of the OHA, as well as properties that have not been designated but City Council believes to be of "cultural heritage value or interest."

<https://www.ontario.ca/laws/statute/90o18>

Under Part V of the OHA municipalities are enabled to establish heritage conservation districts where their official plan contains provisions relating to the establishment of such. The City of Toronto's Official Plan supports identification, evaluation, and designation of heritage conservation districts. Section 41.1 of the OHA describes the requirements for the HCD Plan, including: a statement of objectives; a statement of district significance explaining the cultural heritage value or interest of the HCD; a description of heritage attributes; policies, guidelines, and procedures for achieving the stated objectives; and a description of alterations that may be undertaken by property owners without obtaining a heritage permit. The OHA requires that, prior to the by-law adopting an HCD plan is made, information relating to the proposed HCD plan, including a copy of the plan, is made available to the public, that at least one public meeting is held regarding the HCD plan (Community Council), and that the municipal heritage committee (Toronto Preservation Board) be consulted.

On January 1, 2023, the Province's proposed amendments to the OHA through the More Homes Built Faster Act, 2022 (Bill 23) came into effect. For Heritage Conservation Districts, per Regulation 569/22 of the OHA, at least 25 per cent of the properties within the defined area must satisfy two or more of the nine criteria for determining cultural heritage value or interest.

Further, the Bill 23 amendments to the OHA regarding Listed properties include provisions stating that properties will be removed from the City's Heritage Register two years after their listing date if no further action is taken by Council to designate them under Parts IV or V of the OHA. The original removal deadline of January 1, 2025, was extended through Bill 200, providing for an additional two years until January 1, 2027, for properties on the Register on or before January 1, 2023. Properties listed since January 2023 must still be removed on the original two-year timeline. Once removed, Council may not relist any property for a period of five years.

Official Plan

The Official Plan contains several policies related to properties on the City's Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating the integral role that heritage conservation plays in successful city-building, Section 3.1.6 of the Official Plan states that, "Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and

liveable City that can contribute to other social, cultural, economic and environmental goals of the City.”

Official Plan Policy 3.1.6.30 provides for the establishment of HCDs and their designation and conservation. It states, "Potential heritage conservation districts will be identified and evaluated to determine their significance and cultural heritage values, in a Heritage Conservation District study. Heritage Conservation Districts that have been evaluated to be significant for their heritage value will be designated and conserved."

Policy 3.1.6.2 states that properties and HCDs of potential cultural heritage value or interest will be identified and evaluated consistent with provincial regulations and criteria and that the evaluation of HCDs may also consider additional criteria such as social, community, natural and scientific value. Policy 3.1.6.3 directs that HCDs will be protected by being designated under the OHA and included on the Heritage Register.

Policy 3.1.6.4 states that properties on the Heritage Register (including those within HCDs) will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada ("Standards and Guidelines"), which is the benchmark for recommending conservation treatments and approaches. The Official Plan references the Standards and Guidelines as a key guidance document.

Policy 3.1.6.32 states, "Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment [...]." Policy 3.1.6.33 states, "Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans." Policy 3.1.6.6 encourages the adaptive re-use of heritage properties while Policy 3.1.6.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes, and character of that property and will mitigate visual and physical impacts on it.

In addition to the direction of Section 3.1.6, the Official Plan provides support for heritage conservation within the context of accommodating growth and change. Section 2.2.1 Downtown: The Heart of Toronto states that "Downtown is where our history is richest" and that "Given that this is one place in Toronto where "change is constant", we must ensure that our built heritage is respected, nurtured and improved." Policy 2.2.1.5 directs that "the architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to restore and maintain historic buildings." Policy 2.2.1.6 speaks to providing guidance within HCDs, by directing that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights, and relationship to landmark buildings.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Heritage Conservation Districts in Toronto: Procedure, Policies and Terms of Reference ("HCDs in Toronto") was adopted by Toronto City Council in March 2012 in order to provide a consistent approach for the studying and planning of HCDs in the city.

City of Toronto Archaeological Management Plan

The intent of the Archaeological Management Plan is to ensure that archaeological resources are appropriately conserved, and that archaeological sites are adequately considered and studied prior to any form of development or land use change that may affect them. It identifies general areas of archaeological potential, as well as specific areas of known extant archaeological sites referred to as Archaeologically Sensitive Areas.

City of Toronto Reconciliation Action Plan 2022-2032

City of Toronto Reconciliation Action Plan, adopted by City Council in April 2022, will guide its actions to advance truth, justice, and reconciliation for the next 10 years, from 2022 to 2032. It builds on the City's existing commitments to Indigenous peoples and takes them even further through meaningful actions.

<https://www.toronto.ca/legdocs/mmis/2022/ex/bgrd/backgroundfile-222934.pdf>

COMMENTS

Project Background

In Toronto, heritage conservation districts are identified and designated through a phased process, which involves completion of an HCD Study and then an HCD Plan. In 2013, the Kensington Market BIA nominated for study a portion of the area that now comprises the proposed Kensington Market HCD. In March 2015, City Council directed the study to be initiated.

In December 2015, City Planning engaged Taylor Hazell Architects (THA) with Urban Strategies Inc. and Archaeological Services Inc. to conduct an HCD Study of the Kensington Market area. In May 2016, Toronto and East York Community Council adopted a motion to expand the Study Area boundary to include the entire Kensington Market neighbourhood.

The Study included a detailed character and planning framework analysis of the area, a built form and landscape survey, and community consultation. The HCD Study and its recommendations were endorsed by the Toronto Preservation Board in September 2017.

In July 2018, City Council adopted a Member's Motion to designate a Study Area by-law pursuant to Section 40.1 of the Ontario Heritage Act, prohibiting the demolition or removal of any buildings or structures on commercial and mixed-use properties within the study area for a period of one year.

Throughout 2019-2024, City staff advanced the development of the draft Kensington Market HCD Plan. This work included the reconvening of community meetings following

a suspension of consultation activities with the onset of the COVID-19 pandemic in March 2020, as well as the implementation of a strategy for engagement with urban Indigenous communities.

Community Consultation

Community consultation meetings were held for the HCD Study phase on June 21, 2016, and February 9, 2016. In addition to the two public meetings, a stakeholder advisory committee (later renamed the Community Advisory Group ("CAG")) consisting of local residents, property owners, business owners, and community representatives met in May and November 2016. In September 2017, the HCD Study report was presented for endorsement to the Toronto Preservation Board to proceed to the plan phase, with support from community members.

During the HCD Plan phase, the same CAG was consulted periodically between March 2019 and September 2024 to review portions of the draft Plan, including draft objectives, a statement of cultural heritage value and heritage attributes, and to provide input on developing policy approaches for the Plan. Individual community stakeholders were also consulted throughout the project. The extensive community engagement was critical to establishing a conservation approach to this HCD that recognized and responded to the District's social values.

Following the adoption of the City of Toronto Reconciliation Action Plan by City Council in April 2022, Heritage Planning initiated a dedicated approach for Indigenous heritage engagement in the development of HCD Plans. In April 2023, Heritage Planning retained Innovation Seven to develop and implement an Indigenous engagement strategy, facilitating five joint sessions to gather input on the cultural heritage values of the Kensington Market and West Queen West HCDs, as well as on policy development. Following these meetings, the draft statement of objectives, policies, and guidelines were updated to reflect the feedback received. Treaty and Territorial Partner representatives were also provided with an opportunity to indicate interest in the Study Area.

A community consultation meeting in an open house format (afternoon and evening sessions) was held at Saint Stephen-in-the-Fields Church, on October 24, 2023, to provide updates on the development of the Plan and to receive feedback about proposed policy approaches. The project team hosted several Pop-Up engagement events within Kensington Market, prior to a second community consultation meeting. This meeting (extended hours from 4pm to 7:30pm) was conducted on November 18, 2024, to obtain further community input on the draft Plan, including draft policies and guidelines. The display boards were available online to increase access to information in advance of or instead of attending the meeting. A list of contributing properties was available at this meeting. LURA Consulting acted as an external consultant at all CAG and community consultation meetings.

Materials and summaries from the comprehensive public engagement and community consultation meetings, along with Frequently Asked Questions translated into several languages, are available on the project's website: [Kensington Market Heritage Conservation District Plan](#).

Kensington Market HCD Plan

The Kensington Market HCD Plan (Attachments 5 and 6) is in accordance with Section 41.1(5) of the OHA, which requires that a Heritage Conservation District Plan include the following:

- A statement of the objectives to be achieved in designating the area as a heritage conservation district
- A statement explaining the cultural heritage value or interest of the heritage conservation district
- A description of the heritage attributes of the heritage conservation district and of properties in the district
- Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district
- A description of the alterations or classes of alterations that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42

Cultural Heritage Value

The District has value as part of the ancestral lands of the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples. The District retains a number of buildings constructed for settlers arriving in the late nineteenth century from the British Isles, including a large concentration of workers' housing. The open-air display of goods in the market area, and patterns of commercial adaptation and building expansion, are a legacy established in the 1910s-1930s by Jewish merchants and businesses. An influx of Portuguese and Hungarian immigrants at mid-century contributed to the commercialization of Augusta Avenue, following the precedent set by the Jewish Market. Beginning in the 1960s, Chinese, Vietnamese, and Korean communities established themselves in proximity to Spadina Avenue, including through the foundation of Family and Community Associations that provided financial and social support. The visible layering of building additions, particularly within the market area, represents the adaptation that occurred as these groups established homes and businesses in the District.

Kensington Market is valued for its fine-grain, low-scale streetscapes and concentration of late-nineteenth- and early-twentieth-century buildings. The area maintains a unique street and block configuration that tells the story of the neighbourhood's ad hoc land subdivision. Examples include the wider right-of-way on Bellevue Avenue north of Oxford Street, which is a remnant of an early intention for the road to function as a grand avenue lined by trees, and Bellevue Square Park, which was donated to the City in the 1890s. Many of the District's properties reflect modifications made by new generations and new immigrant communities, while retaining their Victorian and early twentieth-century character.

The District's historic development patterns resulted in a complete community that sustains its own residential, commercial, and institutional activities. In many cases, the narrow property frontages of the working-class housing stock along Kensington Avenue,

Augusta Avenue, and Baldwin Street were converted to stores. The resulting fine-grain commercial space has contributed to the concentration of independent retailers and food sellers that support a sense of place and a uniquely animated public realm.

The District has value for its enduring identity and sense of place, centred on dynamism, resilience, and creativity. The Kensington Market area is held in high regard for creating community, for its openness, and for its welcoming nature, characteristics that are in line with Indigenous community values. Fueled historically by the arrival of new and marginalized groups who were considered outsiders elsewhere in Toronto, and supported by an engaged community, the District evolved as a social enclave that supports innovation, small business, traditions of public art, diverse and alternative cultural expression, and social activism.

For more details, see Attachment 2 for the Statement of Cultural Heritage Value and Heritage Attributes.

Statement of Objectives

The OHA requires that HCD plans contain a statement of objectives to be achieved through the designation of the HCD. These objectives are an important link between the values identified in the statement of cultural heritage value and the policies and guidelines that are intended to conserve those values of the District, including its heritage attributes. The overall objectives of the Kensington Market HCD Plan are the protection, conservation, and management of its heritage attributes including contributing properties so that the District's cultural heritage value is protected in the long term. See Attachment 3 for the full Statement of Objectives.

Proposed Boundary

The District is located between College Street to the north, Dundas Street West to the south, Bathurst Street to the west, and Spadina Avenue to the east. It excludes Toronto Western Hospital, the low-scale parking garage at 55 Leonard Avenue, and properties fronting onto College Street, Dundas Street West, Bathurst Street, and Spadina Avenue. The boundary runs along the rear lot lines of properties on the west side of Lippincott Street, and side lot lines of properties located at the edge of the District on Oxford, Nassau, Baldwin, St. Andrew, Casimir, and Hickory streets, and Bellevue, Denison, Augusta, and Kensington avenues. It includes the full right-of-way of streets wholly contained within the District, except along the western boundary adjacent to Toronto Western Hospital, where the boundary follows the centreline of Carlyle Street, Wales Avenue, Leonard Avenue, and Nassau Street. See Attachment 1 for the proposed HCD Plan area.

The delineation of the Kensington Market HCD boundary has evolved since the release of the Kensington Market HCD Study, completed by Taylor Hazell Architects in 2017. Following completion of the HCD Study, City staff undertook additional research, analysis, and community engagement in order to develop the HCD Plan. This process resulted in changes to the HCD boundary. While the earlier boundary largely reflected historical concession and lot patterns, the new boundary features refinements to represent the current reality of Kensington Market's cultural heritage value and heritage

attributes. The HCD boundary focuses on the interior of the Kensington Market neighbourhood and its network of predominantly short, interconnected streets.

Analysis Supporting the Revised Boundary

Properties facing onto the south side of College Street include purpose-built commercial/mixed use buildings with larger footprints, and do not represent the heritage attributes of the Kensington Market HCD. The properties on the south side also form part of a streetscape with properties on the north side of College Street. The College Street Study (2017) included a review of properties on College Street between McCaul Street and Bathurst Street for potential inclusion on the City's Heritage Register, resulting in two listings within the HCD Study Area – 271 College Street and 357 College Street – and the designation of 281-289 College Street under Part IV of the OHA. The College Street study resulted in Official Plan Amendment (OPA 379), which provides policies that respect the character of the identified heritage resources on College Street and that allow for appropriate transition of new developments on College Street to the lower scale of Kensington Market.

The blocks along the north side of Dundas Street West include a variety of residential and commercial built form typologies. Within a planning policy framework, the City considers the portion of Dundas Street West between Augusta Avenue and Spadina Avenue as part of Chinatown. This HCD Plan acknowledges that the perceived boundaries between Kensington Market and Chinatown are porous, and that the interconnected relationships between the two neighbourhoods have historic roots.

The properties on the east side of Bathurst Street are part of a highly evolved streetscape that includes both historic and contemporary housing as well as Toronto Western Hospital. As the HCD Study observed, Bathurst Street was historically the western edge of one of the park lots on which Kensington Market developed. However, the properties are currently experienced as part of the Bathurst streetscape, and not as part of the interior of the Kensington Market neighbourhood.

While properties along the west side of Spadina Avenue have historical connections to Kensington Market, particularly through the area's significance to Jewish history, their predominant built form character is different from that of the District. They comprise a two-to-three-storey streetwall of purpose-built commercial/mixed use buildings with a consistent use of materials. They generally do not display the visible layering and patterns of adaptation that have been identified as heritage attributes within the District.

Market Character Sub-Area

The Kensington Market HCD Plan area is a cohesive, unified whole with a unique identity and sense of place, and a suite of general policies and guidelines have been created to conserve the District's cultural heritage value and attributes. In addition, as part of the HCD Plan process, a character sub-area with additional heritage attributes was identified in response to the distinct pattern of built form and public realm characteristics found in the District's core market area. The Plan includes policies that guide the compatible development of contributing and non-contributing properties and

enhancement of the public realm in a way that reflects the immediate context of this character sub-area.

Contributing and Non-Contributing Properties

The HCD Plan identifies properties as contributing or non-contributing, in keeping with HCDs in Toronto. Contributing properties are those that directly support the identified significant cultural heritage values, character, and integrity of the District, while non-contributing properties do not directly support the Statement of Cultural Heritage Value.

Properties that have been evaluated as contributing to the heritage character of the District include those with buildings that either:

- Represent the District's origins as a largely working-class neighbourhood, with building features that visually reflect the early periods of development prior to the establishment of the commercial market, and
 - Retain a sufficient level of integrity as House-form, Institutional, Commercial, or Multi-residential buildings, or
 - Demonstrate a sufficient level of integrity through visible layering, particularly that reflects the conversion of House-form buildings into mixed use buildings.
- Are identified as representing the District's social value or holding cultural heritage value for the Kensington Market community.

Within the District, 410 of 704 properties (58%) are contributing properties. Within the Market Character Sub-Area, 132 of 250 properties (53%) are contributing properties. This includes a high concentration of contributing properties on Kensington Avenue, and clusters of House-form, Converted House-form, and Commercial buildings on Augusta Avenue, Baldwin Street, Nassau Street, and St. Andrew Street.

Existing Heritage Status of Properties

The District includes 14 properties listed on the Heritage Register, and two properties that are individually designated under Part IV Section 29 of the OHA.

Should the District Plan be appealed and not come into force before July 2025, nine properties that were listed in July 2023 will be removed from the Heritage Register. The remaining properties that are currently listed on the Heritage Register are required to be removed before January 2027. These properties may be considered for prioritization for research and evaluation for Part IV designation.

Part IV Designated Properties

In the Kensington Market HCD, all properties will be designated under Part V of the Ontario Heritage Act. The Part V designation will conserve and maintain the cultural heritage value and heritage attributes of the District as a whole.

The Ontario Heritage Act allows a property to be designated individually under Part IV of the OHA as well as included within an HCD and designated under Part V of the OHA. The designation of an HCD does not preclude designation of individual properties under

Part IV. Part IV designation protects the cultural heritage value of individual properties and their uniquely identified heritage attributes, which may include interior features.

Where there is a property with a Part IV designation within the Kensington Market HCD, the cultural heritage value and heritage attributes identified in the Part IV designating by-law are to be conserved in accordance with Section 3.1.6 of the Official Plan in addition to the requirements of the HCD Plan.

District Policies and Guidelines

The Ontario Heritage Act requires that all HCD plans include "policy statements, guidelines and procedures for achieving the stated objectives and managing change" in the district. The Kensington Market HCD Plan contains policies and guidelines to manage change within the District in order to meet the objectives of the HCD Plan and to conserve the cultural heritage value and attributes of the District. These policies and guidelines will inform decisions on alterations, additions, new development, and demolition within the District. See Attachments 5 and 6 for the HCD Plan.

In the HCD Plan, policies describe what is required when undertaking work on a property within the District. Policies are required components of the designating by-law and are not discretionary, unless otherwise indicated. Guidelines provide suggested methods of satisfying associated policies but do not carry the mandatory weight of policy. Guidelines recognize that there may be a variety of strategies that can be used to satisfy any given policy.

Policies and Guidelines for Contributing Properties

The Official Plan requires that properties on the City's Heritage Register be conserved and maintained consistent with the Standards and Guidelines, which has been adopted by City Council as the guiding document for the planning, stewardship, and conservation of properties on the Heritage Register. An HCD plan gives context-specific guidance on how to achieve consistency. HCDs in Toronto requires that all properties within HCDs be categorized as either contributing or non-contributing to the District's cultural heritage value and heritage attributes. Separate sets of policies and guidelines have been developed for contributing and non-contributing properties to manage change within the District.

The HCD Plan prohibits the demolition and removal of buildings on contributing properties, except in the cases of catastrophic loss; where the heritage value of a property has been lost and those losses were not the result of demolition by neglect, deferred maintenance, or purposeful damage to the property; or where the building has been deemed to be in an unsafe condition and an Order to demolish is issued under the Building Code Act. The HCD Plan requires that contributing properties be conserved and maintained to ensure the conservation of the District's cultural heritage value, heritage attributes, and integrity, based on an understanding of the property and how it contributes to the District. The HCD Plan provides policies and guidelines to inform the conservation of building assemblies for contributing properties (roofs, windows and doors, exterior walls, storefronts, and entrances, porches, and balconies), as well as the design of compatible alterations and additions. Guidelines are also provided for

commercial signage and laneway development that complement the District. The Plan's policies and guidelines also address combined properties (those properties with both contributing and non-contributing portions).

Policies and Guidelines for Non-Contributing Properties

While existing non-contributing properties do not individually contribute to the heritage character of the District, their proximity to and evolution alongside contributing properties gives them the potential to significantly impact the heritage character of neighbouring properties and the District should they be modified or developed. Any aspect of new development or change to non-contributing properties, including additions, alterations, or replacement buildings, must comply with the policies and guidelines of this HCD Plan for non-contributing properties.

The HCD Plan requires that new development and additions to non-contributing properties be compatible with the cultural heritage value and heritage attributes of the District. The HCD Plan provides policies and guidelines to inform the design of complementary new development and additions to non-contributing properties, as well as the design of storefronts. Guidelines are also provided for commercial signage and laneway development that complement the District. The HCD Plan also addresses combined properties and alterations to properties that are adjacent to the District.

Policies and Guidelines for the Public Realm

Public Realm policies and guidelines address the distinct patterns that characterize the Market Character Sub-Area and the importance of Augusta Avenue as the spine of the neighbourhood. The Plan provides policies and guidelines for landscaping within the public boulevard, streets and laneways, and cultural expression including placemaking, placekeeping, and public art. This section also includes guidelines directing the recognition of Indigenous heritage through visual representation within the public realm.

The Kensington Market HCD Plan recognizes the unique character of the area, which includes historic buildings in an evolved form within the commercial market area. The Plan does not propose any changes to storefront awnings and street overhangs that encroach upon the public realm, or how they are regulated under the Municipal Code. Transportation Services will continue to implement the regulation of encroachments such as canopies and awnings, which are permitted in Toronto if they meet the requirements of the Municipal Code and will work towards coordination when it affects the features of heritage buildings.

Archaeology

The Official Plan policies for archaeological resources apply for the HCD Plan area. In addition to obtaining a permit under Part V of the Ontario Heritage Act for any archaeological sites or resources identified as heritage attributes of the District, the procedures for archaeology identified within the *City of Toronto Archaeological Management Plan* must also be adhered to.

Procedures

The HCD Plan describes the heritage permit process, including categories of work for which no heritage permit is required, consistent with the Municipal Code. The HCD Plan identifies circumstances when a Heritage Impact Assessment will or may be required, for both contributing and non-contributing properties.

Adjacency to the District

The HCD Study endorsed by the Toronto Preservation Board in 2017 recommended that the boundary include properties fronting Spadina Avenue, College Street, Bathurst Street, and Dundas Street West, primarily for historical reasons.

The boundary was revised during the HCD Plan phase to focus on the existing built form and public realm characteristics that express the cultural heritage value and heritage attributes of the District, in accordance with "Heritage Conservation Districts in Toronto: Policies, Procedures and Terms of Reference" (2012), which states that an HCD boundary should be carefully drawn to ensure that it includes only those areas that relate to the cultural heritage values, character, and/or geography of the study area.

The City's Official Plan policies for properties adjacent to a property on the Heritage Register apply, which include those properties on major edge streets surrounding the District. The HCD Plan also addresses development and site alteration to properties adjacent to the District.

Any properties along the major streets identified for heritage potential in the HCD Study and excluded from the HCD boundary will be evaluated for inclusion on the City's Heritage Register or Part IV designation on the basis of their cultural heritage value and property specific heritage attributes.

Recommendations

Recommendations in the Kensington Market HCD Plan include the potential creation of an HCD Advisory Committee to ensure ongoing community-based feedback in the implementation of the HCD Plan and heritage permit process, and the facilitation of heritage awareness within the District. Additional recommendations include a preliminary review of the HCD Plan within the first 10 years after it has come into force, which may identify if any updates are warranted for consideration.

Unlike appeals under the Planning Act, under Part V of the Ontario Heritage Act an HCD cannot come into force until all appeals have been resolved or dismissed. As such, the Kensington Market HCD Plan, if it is approved by City Council and appealed to the OLT, will not be binding on new development applications until such time as the OLT approves the document as a whole. Thus, individual designation of contributing properties, under Part IV of the OHA, may still be used to protect cultural heritage values and heritage attributes of these properties until the HCD Plan comes into force.

CONCLUSION

The Kensington Market HCD Plan meets the requirements of the Ontario Heritage Act and other provincial legislation, including all statutory requirements for notification, consultation, study, and content. City Planning staff are of the opinion that the HCD Plan is in conformity with the Ontario Heritage Act, Provincial Planning Statement, Official Plan policies, and best practices in heritage planning. Once adopted and in force, the HCD Plan will enable City Council to conserve the cultural heritage value and heritage attributes of Kensington Market more effectively, while managing and guiding future change.

City Planning staff recommend designation of Kensington Market under Part V of the Ontario Heritage Act, including adoption by by-law of the Kensington Market HCD Plan. The proposed Kensington Market HCD has cultural heritage value as an evolved historic district, and the HCD Plan provides a framework to help conserve and maintain the character of this important historic community for generations to come.

CONTACT

Tatum Taylor Chaubal
Senior Heritage Planner
Heritage Planning,
Urban Design, City Planning
Tel: 416-338-5462; fax: 416-392-1973
E-mail: Tatum.Taylor@toronto.ca

Megan Albinger
Heritage Planner
Heritage Planning,
Urban Design, City Planning
Tel: 416-394-2789; fax: 416-392-1973
Megan.Albinger@toronto.ca

SIGNATURE

Mary L. MacDonald, MA, CAHP
Senior Manager, Heritage Planning
Urban Design, City Planning

ATTACHMENTS

Attachment 1 – Kensington Market HCD Boundary

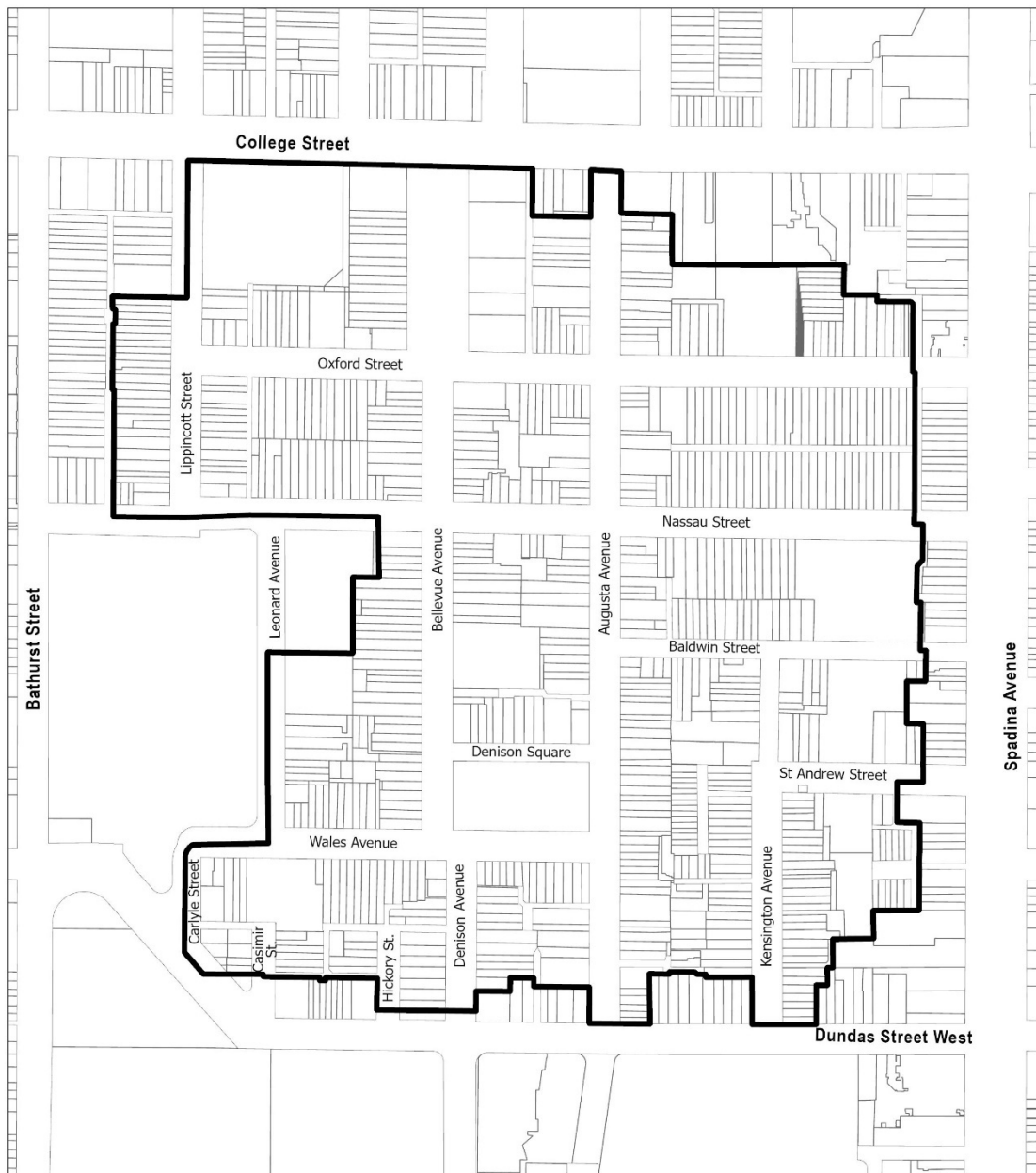
Attachment 2 – Statement of Cultural Heritage Value and Heritage Attributes

Attachment 3 – Statement of Objectives

Attachment 4 – Map of Contributing Properties

Attachment 5 – Kensington Market Heritage Conservation District Plan (Volume 1 - HCD Plan and Appendices A-B)

Attachment 6 – Kensington Market Heritage Conservation District Plan (Volume 2 - Appendices C-F)



TORONTO
Boundary Map

Kensington Market
Heritage Conservation District

 Boundary


Not to Scale

STATEMENT OF CULTURAL HERITAGE VALUE AND HERITAGE ATTRIBUTES

Description of Historic Place

The District is a vibrant mixed use neighbourhood in downtown Toronto, known for its eclectic architecture, bustling sidewalks, and both multicultural and counter-cultural traditions. Since the mid-nineteenth century, successive groups of immigrants have settled in the District and left their imprint. Vivid layers of built forms, public realm patterns, and cultural expressions contribute to Kensington Market's unique identity and sense of place. The District contains the Kensington Market National Historic Site of Canada, designated by the Historic Sites and Monuments Board of Canada in 2006.

The District is adjacent to College Street to the north, Spadina Avenue to the east, Dundas Street West to the south, Bathurst Street to the west, and is in proximity to Toronto Western Hospital. The District extends beyond its existing mixed use core to include the predominantly residential streets and properties surrounding the commercial market area.

A character sub-area has been identified in response to the distinct pattern of built form and public realm characteristics found in the District's core market area. This character sub-area helps illustrate the area's historic evolution and development.

Statement of Cultural Heritage Value

The cultural heritage value of the Kensington Market Heritage Conservation District centres on its historic and ongoing associations with a culturally diverse population and the commercial activity that emerged to support those communities; its physical value as a unique concentration of modified house-form buildings within a distinct block pattern; its contextual value relating to its distinct built form and character as a complete community; and its social and community value as a place that has cultivated an identity defined by innovation, public art, and social activism.

The District has **historic and associative value** as part of the ancestral lands of the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples. It also holds historic and associative value for its reflection of the contributions of various immigrant communities, attracted by affordable housing and the proximity to employment. Between the 1910s and 1930s, the area emerged as a Jewish Market, which produced some of the patterns of building expansion and commercial use that continue today. The open-air display of goods on the commercial streets within Kensington Market is a legacy of Jewish merchants and businesses in the early twentieth century. An influx of Portuguese and Hungarian immigrants at mid-century contributed to the commercialization of Augusta Avenue, following the precedent set by the Jewish Market through the conversion of existing house-form buildings into commercial spaces.

Beginning in the 1960s, Chinese, Vietnamese, and Korean communities established themselves in proximity to Spadina Avenue, including through the foundation of Family

and Community Associations that provided financial and social support. The physical geographies of these communities are non-coincidentally interrelated, as Jewish property owners were more likely to rent to Black, Asian, and other non-white and immigrant populations. Later groups drawn to Kensington Market included Latin American, Southeast Asian, African, and Jamaican communities in the 1990s. With each community's arrival, the District became increasingly known throughout Toronto as a destination for imported and specialty goods from overseas. The visible layering of building additions, particularly within the market area, represents the adaptation that occurred as these groups established homes and businesses in the District.

The **physical value** of Kensington Market relates to its fine-grain, low-scale streetscapes and concentration of late-nineteenth- and early-twentieth-century buildings. The origins of this built form character can be traced to the subdivision of park lots, an early colonial system of organizing the city. In the 1800s, the three major property owners in the District (Dr. William Warren Baldwin, George Taylor Denison, and George Crookshank) each subdivided their land holdings with little regard for how adjacent property was being planned. Over the course of about half a century, this uncoordinated and piecemeal subdivision created a unique street and block pattern with no two blocks the same size, and streets that do not align with adjacent areas or other streets beyond the boundary of the District. Traces of the individual landowners' subdivision plans are also evident in the wider right-of-way on Bellevue Avenue north of Oxford Street, which is a remnant of an early intention for the road to function as a grand avenue lined by trees, and Bellevue Square Park, which was donated to the City by Denison's heirs in the 1890s. Despite the lack of an overarching planning framework, concurrent development throughout the area resulted in a cohesive concentration of late-nineteenth- and early-twentieth-century residences constructed for the working class, many of which appear in pairs or rows. The District also features pockets of worker's cottages located along laneways, many of which were originally constructed in the 1880s following the re-subdivision of some of the larger lots. This housing was erected in rows and is an important feature of the District. Many of the District's properties reflect modifications made by new generations and new immigrant communities, while retaining their Victorian and early-twentieth-century character.

The District has **contextual value** as one of the city's most iconic and widely known neighbourhoods among both residents and visitors. Bound by four major streets, the area's historic development patterns resulted in a self-contained neighbourhood and complete community that sustains its own residential, commercial, and institutional activities. The interrelated streetscapes of house-form and commercial buildings that have been altered over time to accommodate a range of uses create a distinct built form environment. In many cases, the narrow property frontages of the working-class housing stock, particularly along Kensington Avenue, Augusta Avenue, and Baldwin Street, were converted to stores and other non-residential uses, providing fine-grain commercial space that was affordable to immigrant communities. These small unit sizes have contributed to the concentration of independent retailers and food sellers that support a sense of place. Incremental change to these buildings over time, primarily through ground floor alterations, is a defining characteristic of Kensington Market and has given rise to a uniquely animated public realm. Daily life in the District has also been supported by access to local institutions and open spaces, including Bellevue Square Park, a popular gathering place and focal point for the neighbourhood.

The District has **social and community value** for its enduring identity and sense of place, centred on dynamism, resilience, and creativity. The Kensington Market area is held in high regard for creating community, for its openness, and for its welcoming nature, characteristics that are in line with Indigenous community values. Fueled historically by the arrival of new and marginalized groups who were considered outsiders elsewhere in Toronto, and supported by an engaged community, the District evolved as a social enclave that supports innovation, small business, traditions of public art, diverse and alternative cultural expression, and social activism. This identity is evident in the brightly painted houses, the public art, the animated pedestrian experience, and the cultural events and festivals hosted by the community. The high level of engagement expressed through various grassroots initiatives and social and political activism is an ongoing value of the District and continues to shape it. There is also a legacy of institutions (e.g. the Kiever and Anshei Minsk synagogues, Saint Stephen-in-the-Fields Church) and numerous organizations (many grassroots and not-for-profit) serving the community.

Heritage Attributes

The cultural heritage value of the District is expressed by the following heritage attributes. Although the following heritage attributes are numbered, the numeric sequence does not establish a priority among the attributes.

1. The fine-grain streetscapes created by narrow property frontages, including a high proportion that are less than 5.5 metres, low-rise built form, and minimal or zero building setbacks from the public right-of-way;
2. The visual character of contributing properties, most of which include building features reflecting vernacular interpretations of Victorian and early-twentieth-century architectural styles, dating to the District's early development as a residential neighbourhood;
3. The concentration of House-form buildings, distinguished by gable, mansard, and pitched roof forms that represent the District's early period of residential development from the 1850s to the early 1900s, including examples of bay-and-gable buildings;
4. The contributing properties that reflect the District's development as a working-class residential enclave, including examples of Ontario Cottages, and the pockets of worker's cottages and infill housing located along laneways within the District;
5. The unique street and block patterns that support the pedestrian character of the District, and which comprise:
 - i. blocks that vary in orientation and size;
 - ii. a high number of T-intersections and corner properties;
 - iii. a high percentage of east-west streets that commence and terminate within the District's boundaries;
 - iv. a difference between the actual and perceived widths of public rights-of-way;
 - v. the unplanned and evolved network of laneways that terminate inside a block and provide access to only a few properties;

6. The range of building typologies and public parks in close proximity to each other that create the sense of a self-contained neighbourhood and complete community;
7. The visibly wider right-of-way on Bellevue Avenue between Oxford Street and College Street that reflects the early intention for a grand avenue;
8. The soft landscaping in the public boulevard that reflects the early residential character of the District;
9. Infrastructure, including social services, and cultural expressions such as public art that indicate a community that is highly active in local social, political, and economic matters; and
10. The District's archaeological resources.

Market Character Sub-Area

The cultural heritage value of the Market Character Sub-Area is expressed by the following heritage attributes:

11. The concentration of House-form buildings that have been modified to accommodate commercial conversions, resulting in a visibly layered built form where the original House-form building remains legible;
12. The purpose-built commercial buildings that reflect vernacular interpretations of early-twentieth-century architectural styles, dating to the emergence of the District's commercial market;
13. The narrow storefronts, which are typically less than 9 metres wide;
14. The contributing properties that define key intersections through entrances with corner configurations and storefronts that address both street-facing elevations;
15. The public realm patterns that support the eclectic and bustling character of the commercial market, which is defined by the outdoor display of goods, and that facilitate a variety of public events and street festivals;
16. The presence of street trees within the public boulevard, particularly on Kensington Avenue; and
17. The evolving murals, street art, and other forms of creative expression that animate exterior walls, streets, and other surfaces within the public realm.

KENSINGTON MARKET HCD STATEMENT OF OBJECTIVES

ATTACHMENT 3

The overall objectives of the Plan are to conserve the District's heritage attributes and manage future change in order to sustain the District's cultural heritage value in the long term. The District's cultural heritage value consists of its design/physical, historic/associative, contextual, and social/community values. The District's heritage attributes are physical, spatial, and material elements that represent the District's cultural heritage value; they relate to built heritage resources, landscape, streetscape, and archaeological resources.

Specific objectives of this Plan are set out below. Although the following objectives are numbered, the numeric sequence does not establish a priority among the objectives.

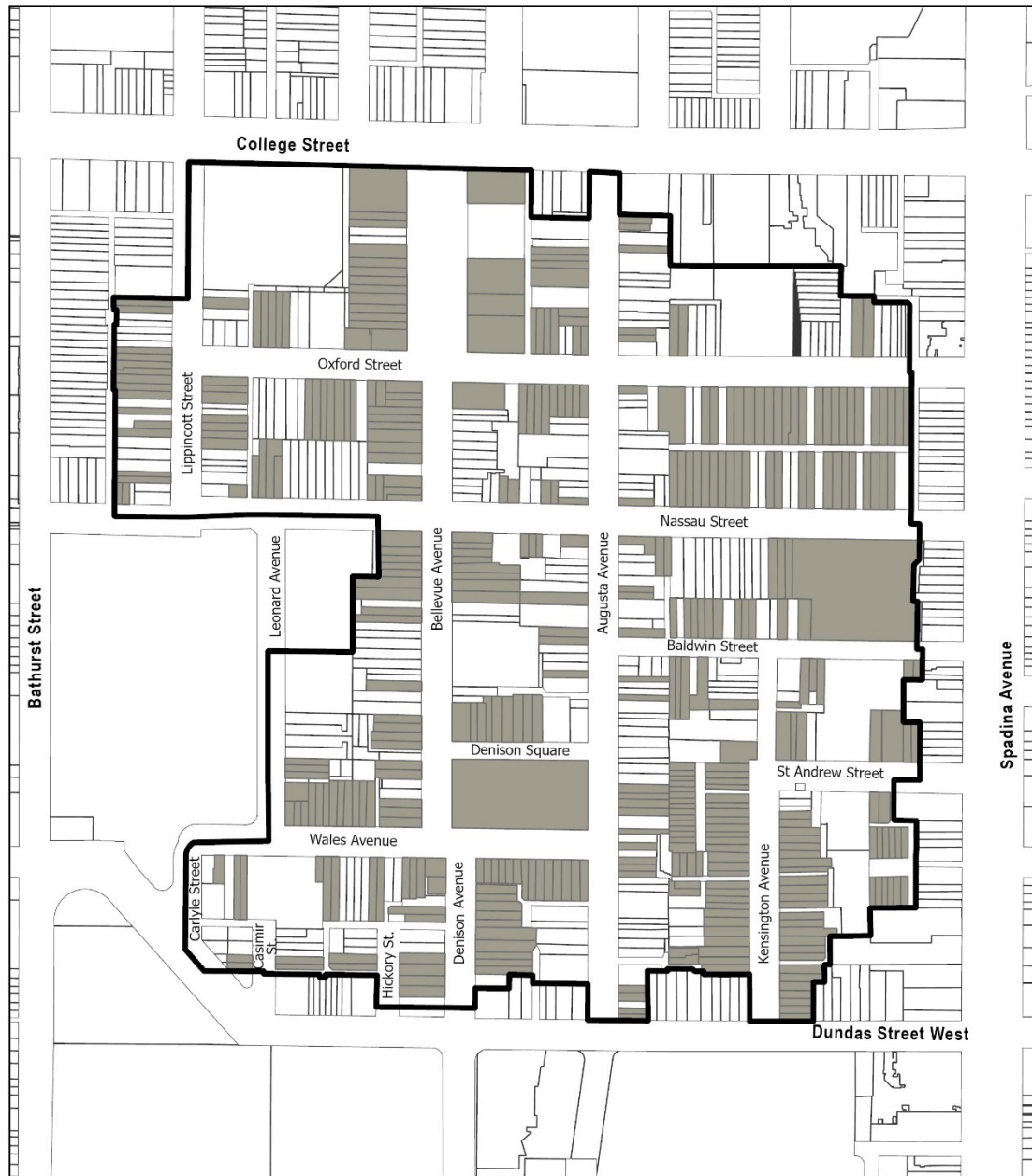
Objectives:

1. Conserve and maintain the District's cultural heritage value as expressed through its heritage attributes, contributing properties, public realm, and archaeological resources.
2. Find opportunities to acknowledge and honour the historic and ongoing presence of Indigenous peoples in the District, including through visual representation of Indigenous heritage.
3. Find opportunities to acknowledge and honour the historic and ongoing presence of multicultural immigrant communities in the District.
4. Conserve the legibility of the District's early periods of development as expressed through the visual character of the District's contributing properties, which include architectural features popularized during the late nineteenth and early twentieth centuries.
5. Conserve the patterns of building expansion and adaptation that reflect the District's emergence as a market and the legacy of waves of immigrant communities.
6. Conserve the pattern of small storefronts and narrow lot frontages, which help facilitate the traditional food-based market uses and other small businesses that contribute to the District's eclectic character.
7. Conserve the District's low-rise, fine-grain scale defined by the District's building typologies and configurations.
8. Conserve and maintain the pockets of workers' housing accessed by or fronting onto laneways.
9. Conserve the District's unique block configuration with irregular block sizes and many interior streets that both commence and terminate within the District.

10. Conserve, maintain, and support the vibrant character of the District's public realm by encouraging its ongoing use for commercial activities, cultural events, public art, and cultural expression.
11. Conserve the residential and institutional streetscape of Bellevue Avenue, north of Oxford Street, including its historically wide right-of-way and soft landscaping within the public realm.
12. Ensure that archaeological resources are conserved.
13. Support and manage the ongoing evolution of the District through the continuation of the measured, incremental change that has resulted in the layered built fabric that represents the District's cultural heritage value.
14. Ensure that new development, additions, and alterations to existing built heritage resources conserve, maintain, and enhance the cultural heritage value of the District.
15. Enhance the social, cultural, and community values of the District such as by supporting opportunities for the creation of new affordable housing and commercial units and community spaces, facilitating alterations to increase accessibility, and promoting sustainable building practices.



KENSINGTON MARKET HCD MAP OF CONTRIBUTING PROPERTIES

ATTACHMENT 4



Toronto
Contributing Properties

Kensington Market
Heritage Conservation District

 Boundary
 Contributing Properties


Not to Scale