

78 and 80 Nassau Street - Inclusion on the Heritage Register

Date: March 14, 2025

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 include 78 and 80 Nassau Street on the City of Toronto's Heritage Register for their cultural heritage value and interest according to the Listing Statement (Reasons for Inclusion) found in Attachment 1.

The properties at 78 and 80 Nassau Street are a semi-detached pair of house-form buildings located on the north side of Nassau Street between Augusta Avenue and Bellevue Avenue, in the Kensington-Chinatown neighbourhood. A location map and current photograph of the heritage properties is found in Attachment 1.

Constructed c.1885, the properties at 78 and 80 Nassau Street are part of the collection of properties in Kensington Market that reflect modifications made by new generations and new immigrant communities, while retaining their Victorian and early twentieth-century character. The properties were identified as contributing properties in the Kensington Market Heritage Conservation District (HCD) Plan, which was adopted by City Council on February 5, 2025. At the time of writing this report, the properties do not yet have protection under the Ontario Heritage Act. A designation under Part V of the Ontario Heritage Act does not come into force until the 30-day notice of by-law period has ended and all appeals have been resolved, if applicable.

The properties at 78 and 80 Nassau Street have been researched and evaluated by staff using the criteria prescribed in Ontario Regulation 9/06 and meet one or more of the provincial criteria for determining cultural heritage value or interest and are believed to be of cultural heritage value or interest.

On January 1, 2023, amendments to the Ontario Heritage Act (the Act) through the More Homes Built Faster Act, 2022 (Bill 23) came into effect. Under the Act, as amended, a municipal heritage register may include properties that have not been designated but Council believes to be of "cultural heritage value or interest", and that

meet one or more of the provincial criteria for determining whether they are of cultural heritage value or interest. The Act now also limits listing to a period of two years.

As of January 1, 2023, should a property be subject to an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application, properties must be listed on the heritage register prior to Part IV designation and before the occurrence of a prescribed event. A prescribed event is a point of time when the application for an Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Subdivision Application has been deemed complete and the City Clerk provides notice of that complete application to the public in accordance with the Planning Act.

The listing of non-designated properties on the municipal heritage register under the Act also extends interim protection from demolition and provides an opportunity for City Council to determine whether the property warrants conservation through designation under the Act should a development or demolition application be submitted.

Properties on the Heritage Register will be conserved and maintained in accordance with the Official Plan Heritage Policies. Heritage Impact Assessments (HIA) are required for development applications that affect listed properties.

RECOMMENDATIONS

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

1. City Council include 78 and 80 Nassau Street on the City of Toronto's Heritage Register in accordance with the Listing Statement (Reasons for Inclusion) attached as Attachment 1 to the report, March 14, 2025, from the Senior Manager, Heritage Planning, Urban Design, City Planning.

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 31, 2015, 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.

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

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](#)

At its meeting on February 5, 2025, City Council designated the Kensington Market Heritage Conservation District and adopted the revised Kensington Market Heritage Conservation District Plan accompanying a supplementary report as the district plan for the area. The document identifies 78 and 80 Nassau Street as contributing properties within the HCD.
[TE19.14 - Designation of the Kensington Market Heritage Conservation District Plan under Part V of the Ontario Heritage Act](#)

POLICY AND REGULATION CONSIDERATIONS

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place, economic prosperity, and healthy and equitable communities. Heritage conservation in Ontario is identified as a provincial interest under the Planning Act. <https://www.ontario.ca/laws/statute/90p13>

Further, the policies and definitions of the Provincial Planning Statement (2024) identify the Ontario Heritage Act as the primary legislation through which heritage evaluation and heritage conservation will be implemented.
[Provincial Planning Statement, 2024 \(ontario.ca\)](#)

Ontario Regulation 9/06 sets out the criteria for evaluating properties to be included in the Heritage Register under subsection 27 (1) of the Ontario Heritage Act. The criteria are based on an evaluation of design/physical value, historical and associative value and contextual value. A property may be included on the Heritage Register as a non-designated property if the property meets one or more of the provincial criteria for determining whether it is of cultural heritage value or interest.
<https://www.ontario.ca/laws/regulation/060009>

Official Plan

The City of Toronto's Official Plan implements the provincial policy regime and provides policies to guide decision making within the City. It contains a number of 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. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here:

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

COMMENTS

Identifying properties of cultural heritage value or interest is an essential part of a municipality's role in heritage conservation. Including non-designated properties in the municipal register is a means to identify properties that the City believes to have cultural heritage value or interest, and to provide the City with time to evaluate those properties for designation under the Ontario Heritage Act, should an application to demolish a listed property be submitted.

The subject properties at 78 and 80 Nassau Street contain a semi-detached pair of brick house-form buildings constructed in c.1885. The properties at 78 and 80 Nassau Street were identified as contributing properties in the Kensington Market Heritage Conservation District Plan. The HCD Plan identifies them as part of a collection of properties in Kensington Market that reflect modifications made by new generations and new immigrant communities, while retaining their Victorian and early twentieth-century character. Their design reflects vernacular interpretations of Victorian architectural styles through their bracketed eaves, first storey bay windows and fenestration pattern with segmentally arched window openings.

On February 5, 2025, City Council designated the Kensington Market Heritage Conservation District under Part V of the Ontario Heritage Act (OHA) and adopted the Kensington Market Heritage Conservation District Plan. At the time of the writing of this report, the Part V designation is not yet in force. Part V designations under the OHA only come into force after the 30-day notice of by-law period has ended and, if any appeals have been registered, those appeals are resolved.

The subject properties have been identified as having physical, historical/associative, and contextual value. More detailed historical research conducted through a future evaluation for designation under Part IV of the Ontario Heritage Act may determine additional cultural heritage values for the properties.

Inclusion of (non-designated) properties on the City's Heritage Register

Non-designated listed properties do not have any protection under the Ontario Heritage Act, except insofar as an owner must give Council at least 60 days' notice of their intention to demolish or remove a structure on the property. Properties that are listed on the City's Heritage Register are flagged for review by Heritage Planning staff once a demolition permit has been submitted and owners must follow established Notice requirements under the Ontario Heritage Act following this action.

Although inclusion on the Heritage Register as a listed property provides interim protection from demolition, it does not preclude an owner's ability to make exterior and interior alterations in the case when demolition or a development application is not involved.

Listing does not trigger maintenance requirements over and above existing property standards and it does not restrict altering, removing or adding any features on the property. It does not allow the City to withhold a building permit for non-demolition related alterations and it does not preclude a property from undergoing renovation.

A municipality is not required to consult with property owners or the public before including non-designated properties on the municipal register under the Act. The City's current practice, developed prior to Bill 23 amendments to the Act coming into effect, notifies property owners and invites them to attend the Toronto Preservation Board meeting to discuss the recommendation of a property's inclusion on the City's Heritage Register. There is also an opportunity for owners and the public to share concerns (in person or writing) when Community Council or Planning and Housing Committee considers a heritage related matter.

Short descriptive listings are prepared using a method by which properties are identified and recommended for inclusion on the Heritage Register. This approach to listing provides sufficient information to meet the requirements of Section 27 of the Act to list a non-designated property on the Heritage Register.

Brief statements, named "Reasons for Inclusion", are prepared for all recommended properties explaining why the property is believed to have cultural heritage value and how it meets one or more of the provincial criteria under O. Reg 9/06 providing a preliminary evaluation of the cultural heritage value or interest of the property. The description may include features of the property that may warrant conservation should the property be subject to development and/or further evaluated and determined to merit designation under Part IV of the Act. Location map and photographs are included in each Reasons for Inclusion.

Through Bill 108 and Bill 23, amendments were made to the Ontario Heritage Act to establish a process whereby owners can object to a property's listing on the Heritage Register and, should they do so, a subsequent decision on the listing must be made by the municipality. Owners can object to listings at any time. Chapter 103 of the Toronto Municipal Code establishes the process for Council consideration of objections to properties included on the Heritage Register.

CONCLUSION

Following research and evaluation of the properties at 78 and 80 Nassau Street according to Ontario Regulation 9/06, it has been determined that the properties meet one or more provincial criteria and merits inclusion on the City's Heritage Register. The Listing Statement (Reasons for Inclusion) is presented in Attachment 1.

CONTACT

Gary Miedema, Project Manager, Heritage Planning, Urban Design, City Planning
416-338-1091; Gary.Miedema@toronto.ca

Megan Albinger, Heritage Planner, Heritage Planning, Urban Design, City Planning
416-394-2789; Megan.Albinger@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Listing Statement (Reasons for Inclusion)

Listing Statement (Reasons for Inclusion)

Staff have undertaken research and evaluation for the properties at 78 and 80 Nassau Street and believe that the properties have cultural heritage value or interest and meet at least one or more of the criteria prescribed in Ontario Regulation 9/06 for including a non-designated property on a municipal register under Section 27 of the Ontario Heritage Act. The subject properties may meet additional criteria, which could be informed by community engagement and determined through further research and evaluation.

Listing Statement

The subject properties at 78 and 80 Nassau Street form a semi-detached pair of house-form buildings. First appearing in the City directories in 1885, 78 and 80 Nassau Street are located on the north side of Nassau Street between Augusta Avenue and Bellevue Avenue, in the Kensington-Chinatown neighbourhood.

The properties at 78 and 80 Nassau Street were identified as contributing properties in the Kensington Market Heritage Conservation District Plan.

The properties at 78 and 80 Nassau Street have cultural heritage value as they meet the following criteria under Ontario Regulation 9/06 of the Ontario Heritage Act:

The properties at 78 and 80 Nassau Street have physical value as late-nineteenth century house-form buildings that reflect vernacular interpretations of Victorian architectural styles. Constructed as a pair, the properties have evolved over time while retaining original building features, including a shared roofline, mirrored facades, bracketed eaves, first-storey bay windows and fenestration pattern with segmentally arched openings.

As house-form buildings, 78 and 80 Nassau Street are associated with the early residential development of Kensington Market which occurred during the period from the 1850s to the early 1900s. The structure at 78 Nassau Street, which has been modified to accommodate a commercial conversion through a ground floor alteration, is also associated with the neighbourhood's patterns of commercial adaptation and expansion that began in the early twentieth century.

The subject properties at 78 and 80 Nassau Street have contextual value because they support and maintain the historic, mixed-use character of the area and are physically, functionally, visually, and historically linked to the surrounding market area.



78 and 80 Nassau Street (Heritage Planning, November 2024).



78 and 80 Nassau Street (outlined in red). Note: This location map is for information purposes only; the exact boundaries of the properties are not shown (City of Toronto Mapping).