

126,128 and 130 Avenue Road - Demolition and New Construction on Designated Heritage Properties Under Part V, Section 42 of the Ontario Heritage Act - Approval

Date: June 13, 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 approve the demolition of three category "X" buildings within the East Annex Heritage Conservation District (EAHCD) and approve the design of a replacement structure located at 126, 128 and 130 Avenue Road in accordance with Section 42(1) 2 and 42(1) 4 of the Ontario Heritage Act.

The application is to demolish three existing buildings that form part of a row of buildings located on the west side of Avenue Road, between Bernard Avenue to the south and Davenport Road to the north. The EAHCD Plan allows for the demolition of category "X" buildings provided that the replacement building design complies with the EAHCD plan guidelines for new buildings. The demolition would allow for the construction of a new 11-storey building that meets the general intent of the EAHCD Plan's guidelines and would not detract from rated heritage buildings to the west of the development site.

On March 2, 2023, a related Zoning By-law Amendment application was made for 126-130 Avenue Road (23 119287 STE 11 OZ) to permit construction of a new 11-storey mixed-use building, containing 60 dwelling units and retail uses at-grade. The recommendations in this report relate solely to the approvals required under the Ontario Heritage Act.

RECOMMENDATIONS

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

1. City Council approve the demolition of the category "X" buildings at 126, 128 and 130 Avenue Road, in the East Annex Heritage Conservation District, in accordance with Section 42(1) 4 of the Ontario Heritage Act and the erection of one building in accordance with Section 42(1) 2 of the Ontario Heritage Act subject to the following:

a. City Council approve the replacement building for 126, 128 and 130 Avenue Road as shown in the plans and elevations submitted by the applicant and prepared by Icon Architects dated May 8, 2025 along with the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 22, 2025 and on file with the Senior Manager, Heritage Planning, and that the replacement structure be constructed substantially in accordance with the submitted plans; and

b. that prior to the issuance of any heritage permit for the property at 126, 128 and 130 Avenue Road including a demolition permit, but excluding permits for interior work, repairs and maintenance and usual and minor works for the existing category "X" buildings as are acceptable to the Senior Manager, Heritage Planning, the applicant provide the following to the satisfaction of the Senior Manager, Heritage Planning:

1. photo documentation of the existing buildings at 126, 128 and 130 Avenue Road; and

2. final building permit drawings for the replacement structure and a landscape plan consistent with the East Annex Heritage Conservation District Plan and substantially in accordance with the plans and elevations submitted by the applicant and prepared by Icon Architects dated May 8, 2025 and the East Annex Heritage Conservation District Plan.

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

Council adopted the East Annex Heritage Conservation District (EAHCD) on July 25 and 26, 1994 (Bylaw 1994-0520)

<https://www.toronto.ca/legdocs/bylaws/1994/law0520.pdf>.

BACKGROUND

Proposal

The properties 126 Avenue Road (2-storey corner building) and 128-130 Avenue Road (mid-block building) are located within the East Annex Heritage Conservation District (EAHCD). The properties that are included on the development site contain buildings that are rated category "X" within the EAHCD Plan. The proposal is to demolish the existing 2-storey and 3-storey buildings that form part of a row of buildings located on the west side of Avenue Road between Bernard Avenue to the south and Davenport Road to the north and construct a new 11-storey building with a three-storey podium to relate to the street wall along this side of Avenue Road. As the development site is located within a heritage conservation district, permission is required under Section 42 (1) 4 of the Ontario Heritage Act to demolish the existing buildings and under Section 42 (1) 2 of the Ontario Heritage Act to erect the proposed new building.

Heritage Policy Framework

Cultural heritage resources are protected and managed as part of planning for future growth under the Provincial Planning Statement (2024). Heritage conservation is enabled through the Ontario Heritage Act. The City of Toronto's Official Plan implements the provincial policy regime, the Planning Act, the Ontario Heritage Act and provides policies to guide decision making within the city.

The Planning Act

The Planning Act guides development in the Province of Ontario. It states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" and 2(r) to a built form that is well designed and provides for a sense of place.

The Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure

- ensuring the sufficient provision of housing to meet changing needs including affordable housing
- ensuring opportunities for job creation
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs
- protecting people, property and community resources by directing development away from natural or human-made hazards, and
- conservation of cultural heritage and archaeology

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

Policy 4.6.1 of the PPS directs that "Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved." "Conserved" is defined in the PPS as the identification, protection, management and use of built heritage resources in a manner that ensures their cultural heritage value or interest is retained.

Policy 4.6.3 of the PPS directs 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."

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation.

Toronto Official Plan

This application has been reviewed for consistency with the applicable policies of the City of Toronto Official Plan, which provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed application:

3.1.6.5 Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential

impacts and mitigation strategies for the proposed alteration, development or public work.

3.1.6.26 New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

3.1.6.27 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, consistent with Schedule 3 of the Official Plan, to the satisfaction of the City.

3.1.6.33 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.

The City of Toronto Official Plan can be found here:

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

East Annex Heritage Conservation District (EAHCD)

The East Annex Heritage Conservation District Plan contains guidelines that are intended to "encourage compatible and sensitive change which respects the identified character of the area" and "ensure that physical changes in the area contribute to and strengthen the character of the East Annex." The Plan states that the guidelines "are not intended to be used as strict regulations" but to "provide assistance in design and decision making."

The properties at 126 Avenue Road and 128-130 Avenue Road were assigned a category "X" rating within the EAHCD Plan, and as such are not considered to be "of heritage significance at this time." This is because they are either "so altered" from their original appearance that their character is "substantially diminished" or they are "too recent to be given any accurate heritage evaluation". The building at 126 Avenue Road (c.1930) is a 2-storey brick clad commercial building with frontages on Avenue Road and Bernard Avenue. There is a storefront at grade with apartments above on the second floor and a landscaped frontage along Bernard Avenue. 128-130 Avenue (c.1930) is a 3-storey commercial building clad in red brick with its principal frontage on Avenue Road. The facade is clad in red brick and organized vertically with decorative stone pilasters. There is a storefront at grade with apartments above.

The guidelines for new buildings within the EAHCD Plan state that they should not "replicate existing buildings but should contribute to the variety and character of the area." They should be "in keeping" with the particular street in which they are located taking into account the height, depth, setback, entry level and the roof profile and type of neighbouring buildings.

Adjacent properties on Avenue Road are also category "X" in the EAHCD Plan. The immediate adjacent properties along Bernard Avenue to the west of the development site are Category "C" buildings. Category "C" are properties "which retain much of their original character and are vital reminders of the communities past".

Although the EAHCD Plan states that the demolition of buildings within the District is 'discouraged' there is no prohibition on the demolition of category "X" buildings. The guidelines for new buildings state:

- Design new buildings in character with the neighbouring buildings, including consideration of height, depth, setback, and entry level, and in keeping with the character of the particular avenue or road as described within this report.
- On the street facade of the new building use the neighbouring buildings as a guide, employing similar massing, proportion and level of detail. Use clay brick as the predominant exterior material on the street façade.
- Use the roof type and profile of the neighbouring buildings as a precedent.
- Avoid ramps to below grade located in the front yards, whether for car parking or access.
- Protect existing mature trees during construction, according to the City's specification for the preservation of existing trees.
- Keep composition of elements simple. Use few rather than many vernacular features. Use modest moulding profiles and details.

Proposed Development

The proposal seeks permission under the Ontario Heritage Act to demolish three existing category "X" buildings within the East Annex Heritage Conservation District and to construct a new 11-storey building on the east side of Bernard Avenue at Avenue Road with retail at-grade and residential units above.

According to the Heritage Impact Assessment, the proposal includes a three-storey streetwall along Avenue Road with a massing that steps down to two stories along Bernard Avenue. The streetwall will be divided into bays to break up the massing with a buffer introduced along the west property line, creating space between the new building and adjacent heritage property at 6 Bernard Avenue. Material selection will reference the red brick masonry of buildings in the area and landscaping will be introduced along Bernard Avenue that will continue the residential streetscape plan.

COMMENTS

The EAHCD Plan permits the demolition of category "X" buildings provided the replacement buildings comply with the guidelines for new buildings in the EAHCD Plan.

The proposed new 11-storey building is noticeably taller than the adjacent buildings within the EAHCD and it includes a base that is taller than that of the adjacent properties to the north on Avenue Road. However, staff are of the opinion that the impact of the differences is mitigated by the additional set back of the new building, which allows for a wider sidewalk, and the fourth floor reveal and stepbacks of the tower above. These design elements reinforce the base as a compatible part of the street wall on this part of Avenue Road. The articulation of the front façade, which includes regular fenestration and expressed bays with brick piers also helps to break up the massing.

To the west, the new building steps down along the Bernard Street frontage to transition compatibly with the adjacent low-scale residential character. The scheme includes a landscaping bed along the Bernard Street frontage that relates to the landscaped front yards of the adjacent residential properties, and will provide additional help transitioning the new construction to this residential street. The Heritage Impact Assessment (HIA) notes that this bed will also allow for the retention of one of the mature trees along this frontage.

Heritage Planning staff are of the opinion the proposal is consistent with the guidelines of the EAHCD Plan and other applicable policies and guidelines. It is therefore recommended that City Council approve the application under Section 42 of the Ontario Heritage Act.

CONTACT

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SIGNATURE

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Urban Design, City Planning

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Photographs of existing buildings

Attachment 3: Drawings of proposed replacement building

LOCATION MAP

ATTACHMENT 1

126, 128 and 130 Avenue Road



Location Map showing the development site in context of the surrounding area.
(Source - City of Toronto Data Map)

PHOTOGRAPHS

ATTACHMENT 2

126, 128 and 130 Avenue Road



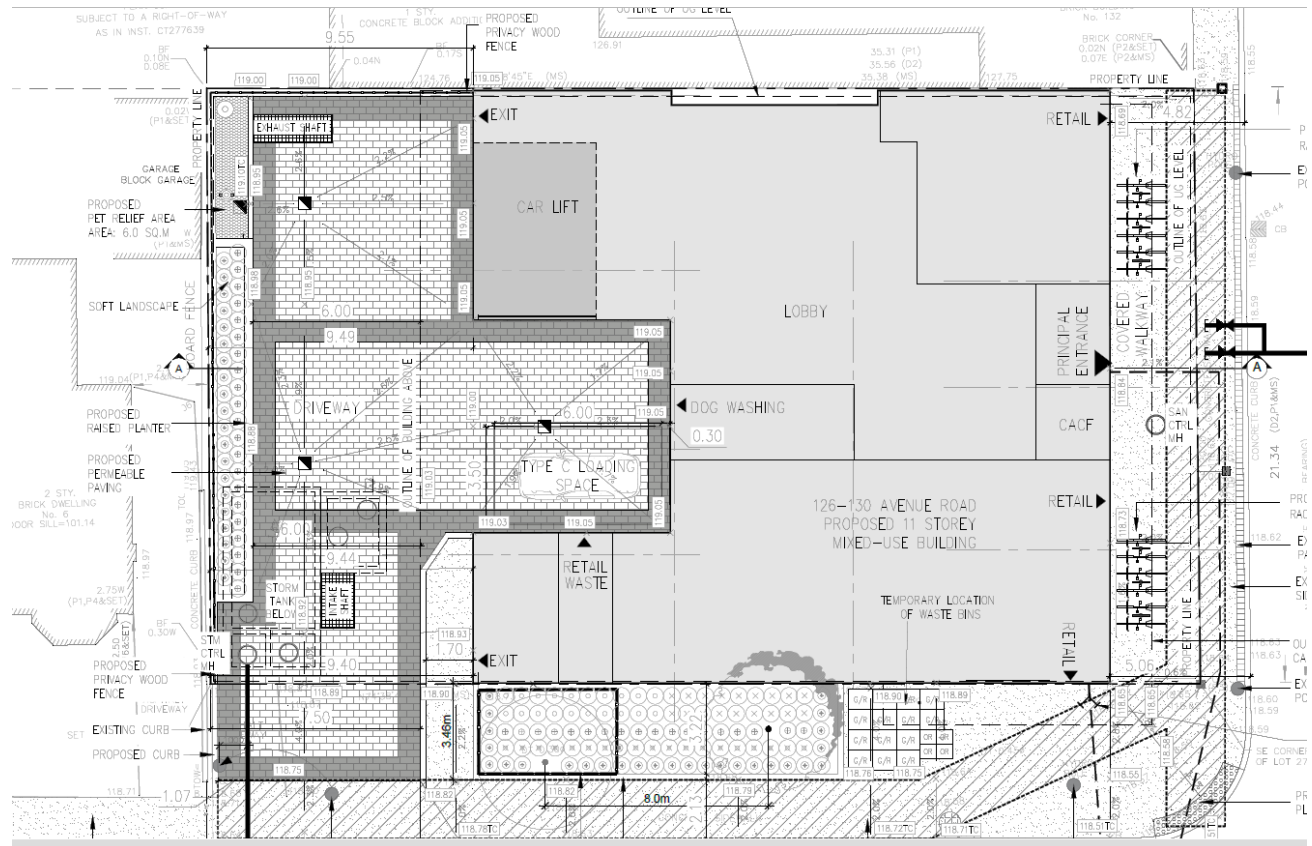
View of the primary elevations of 126 Avenue Road and 128-130 Avenue Road
(Source: Heritage Planning).



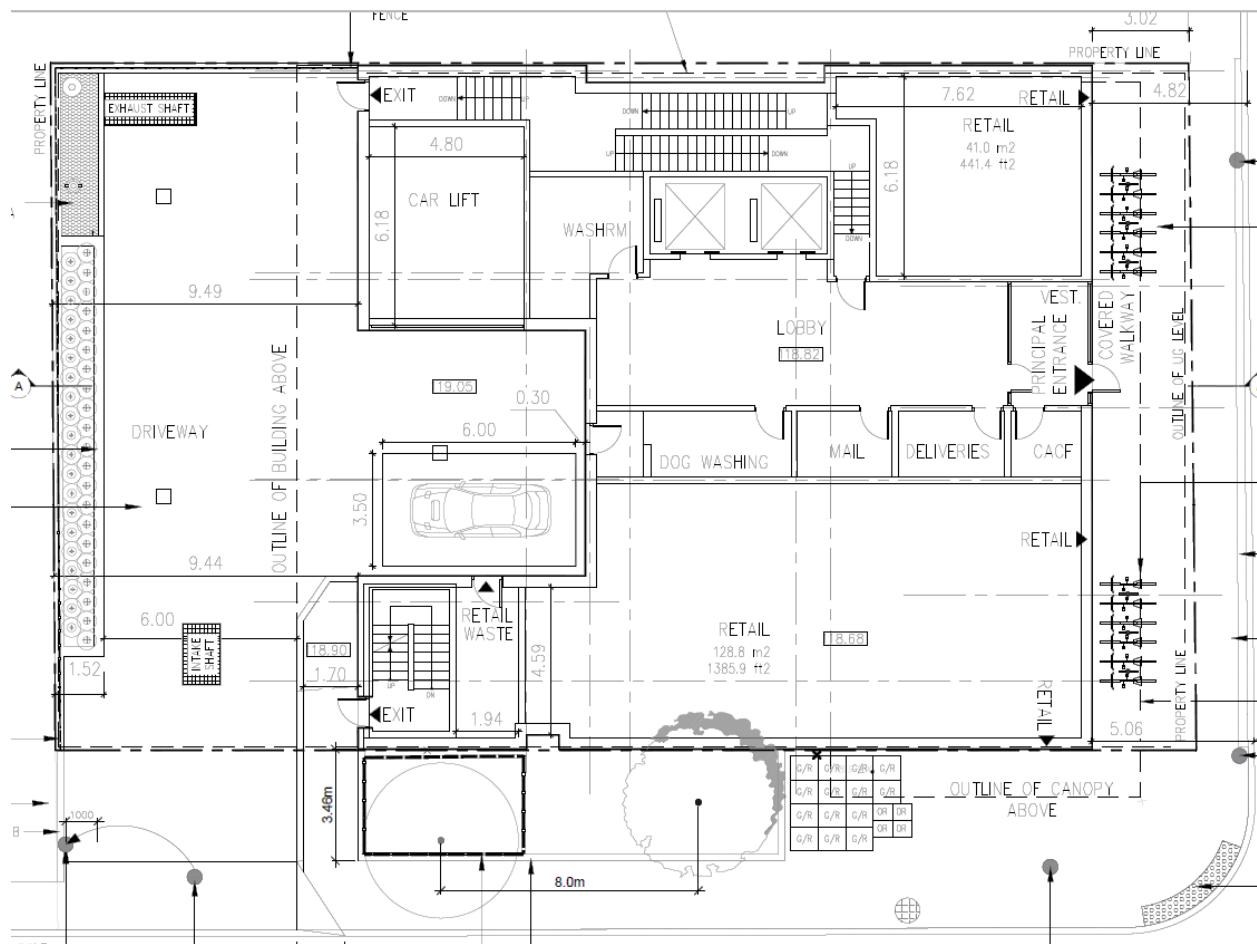
View of 126 Avenue Road looking northeast along Bernard Avenue.
(Source: Heritage Planning).

(Source: Icon Architects)

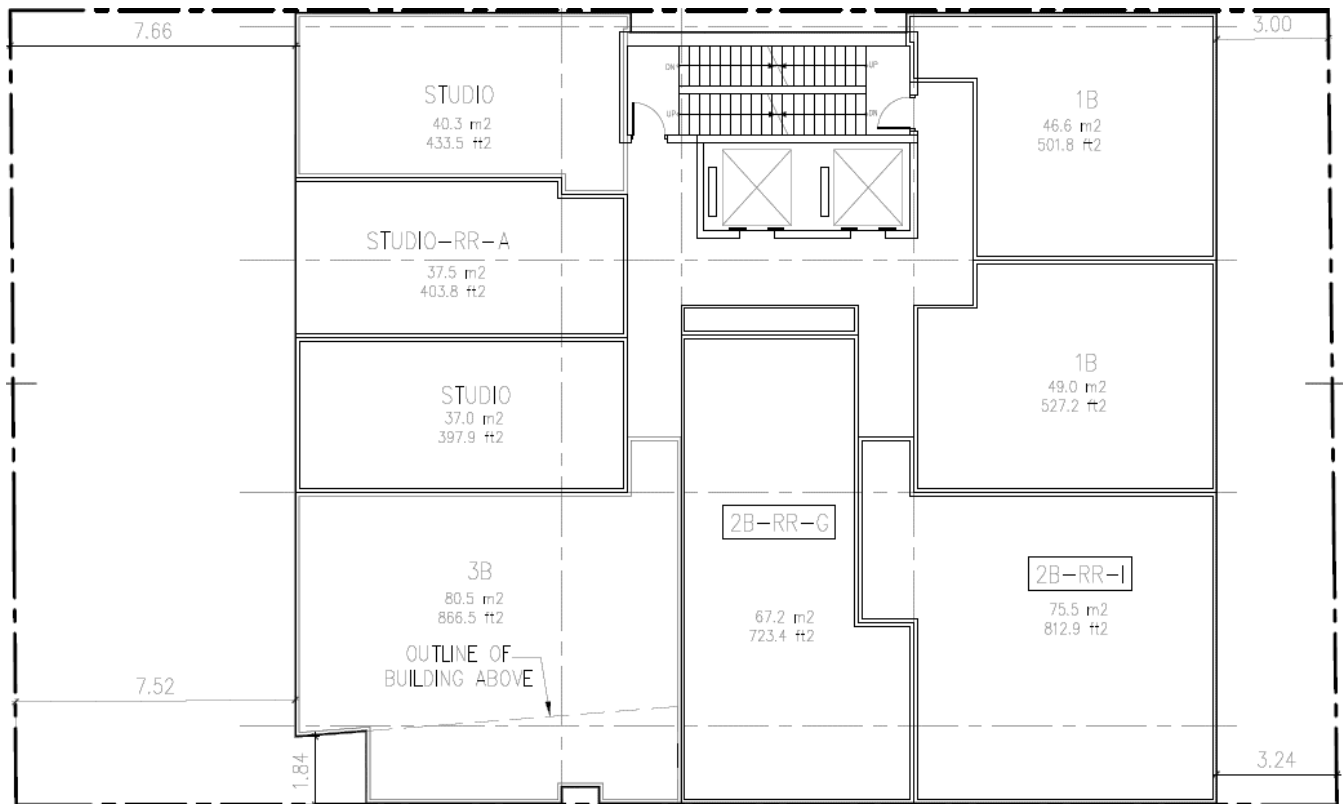
ATTACHMENT 3



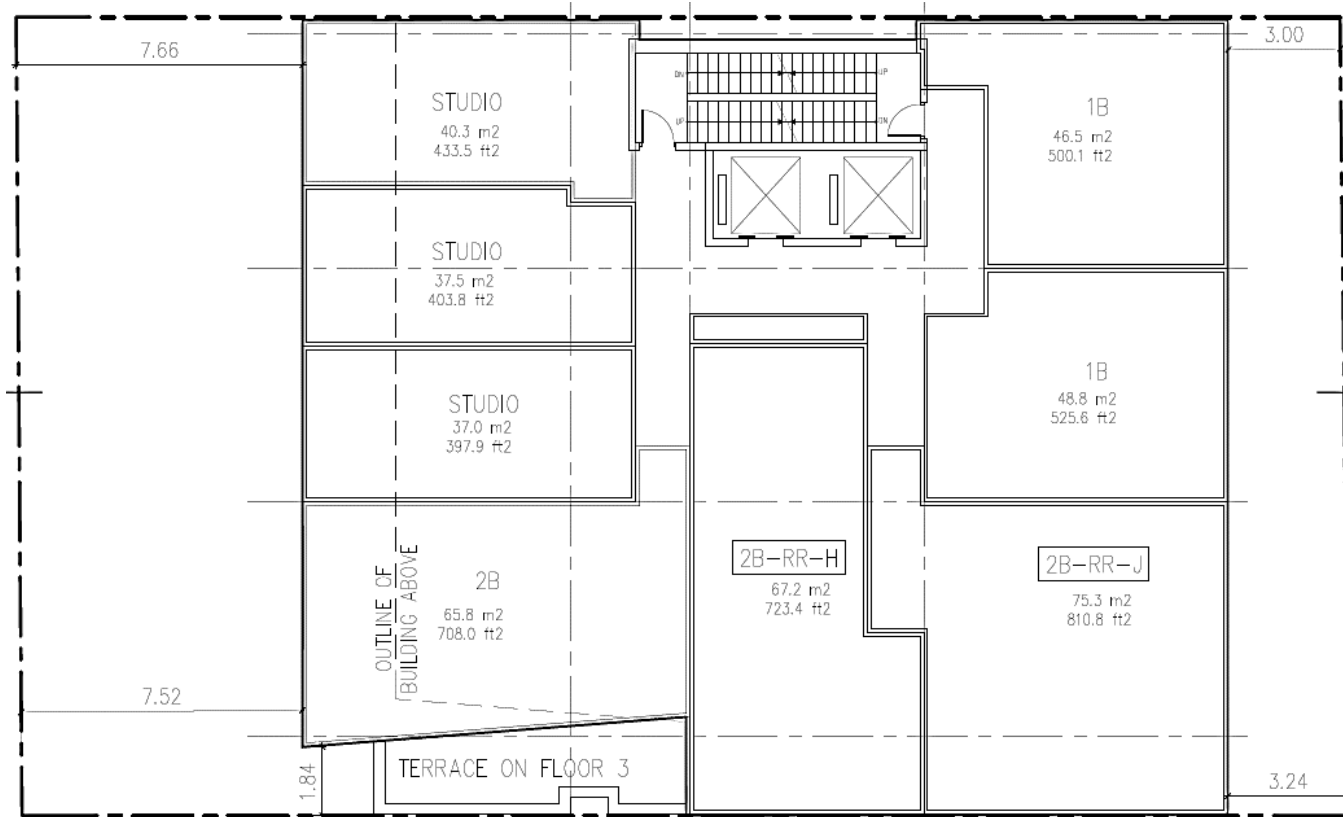
Site Plan



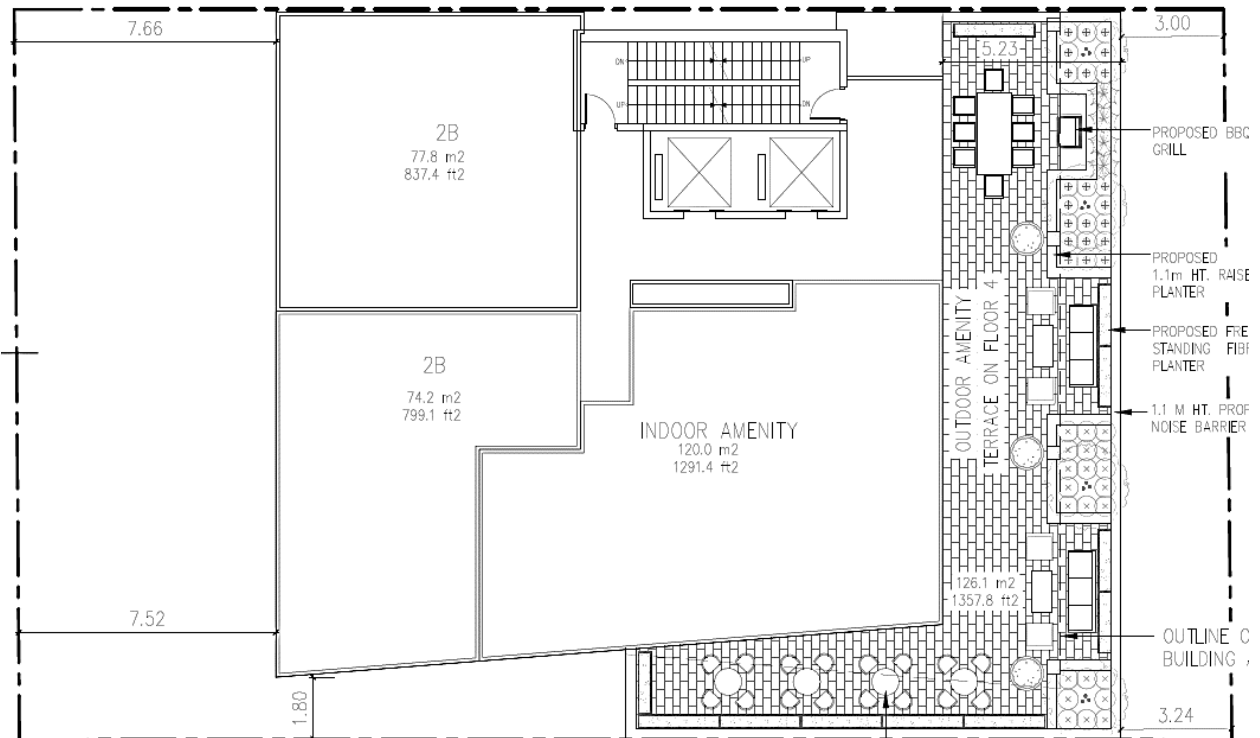
Ground Floor Plan- new building is setback further from Avenue Road than existing buildings and adjacent buildings in the same block.



Second Floor Plan



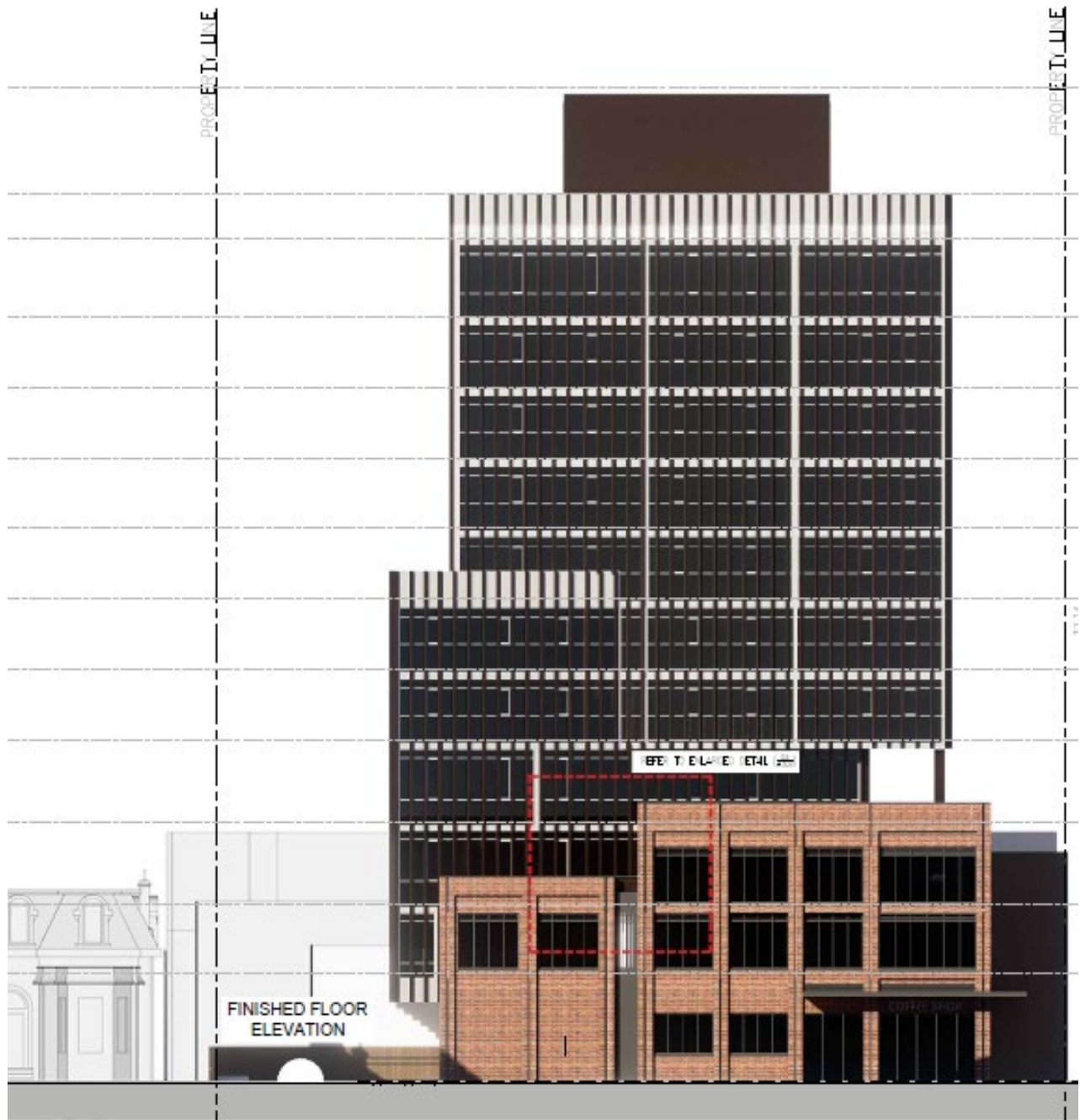
Third Floor Plan



Fourth Floor Plan - showing a setback above the floor below, creating a three-storey street wall along Avenue Road and Bernard Avenue.

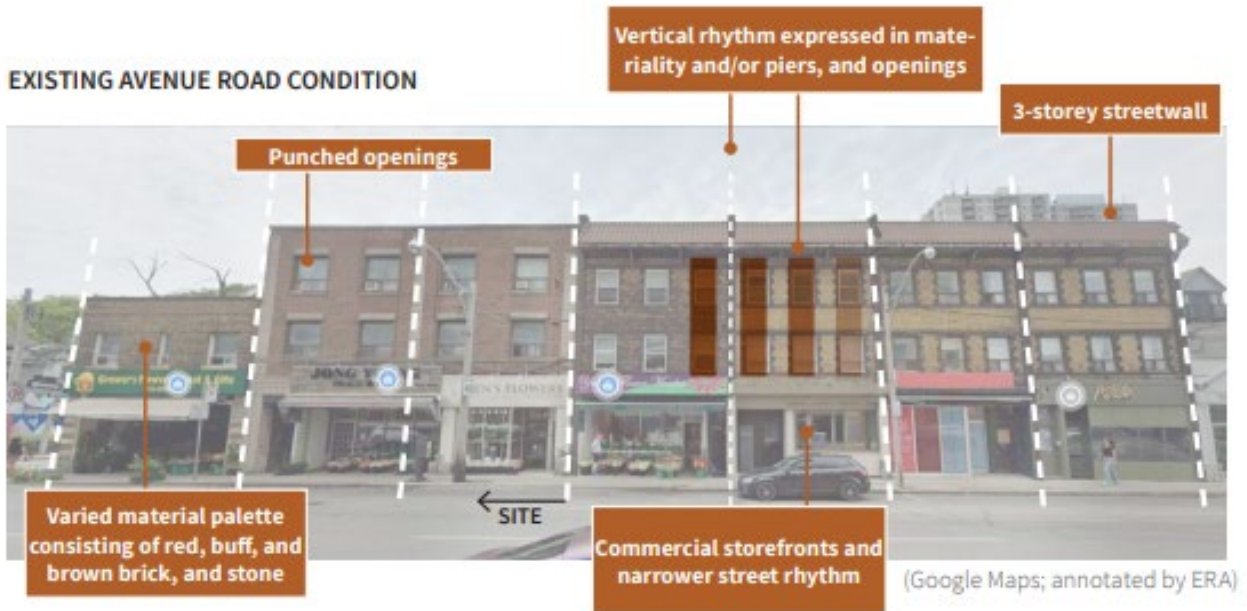


West (primary) Elevation along Avenue Road. Context of new construction with existing row of buildings adjacent to and north of development site.

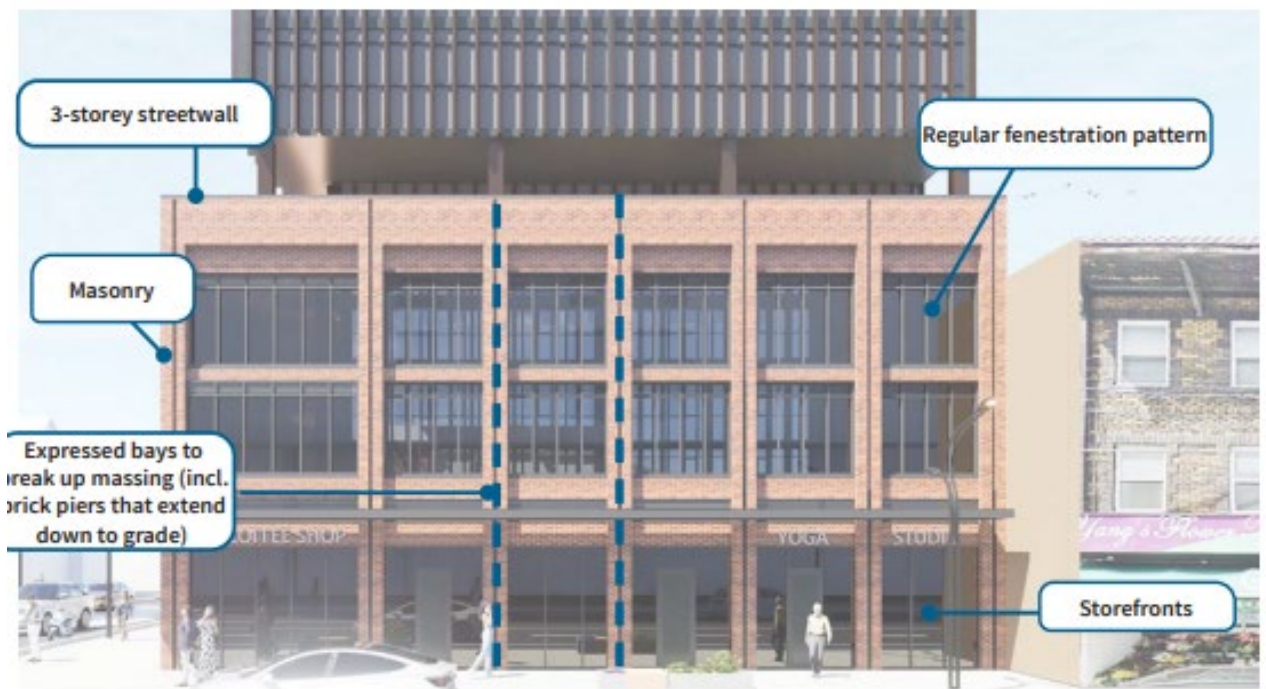


South Elevation of development along Bernard Avenue showing new construction in context with existing heritage houses to the west.

EXISTING AVENUE ROAD CONDITION



PROPOSED AVENUE ROAD CONDITION



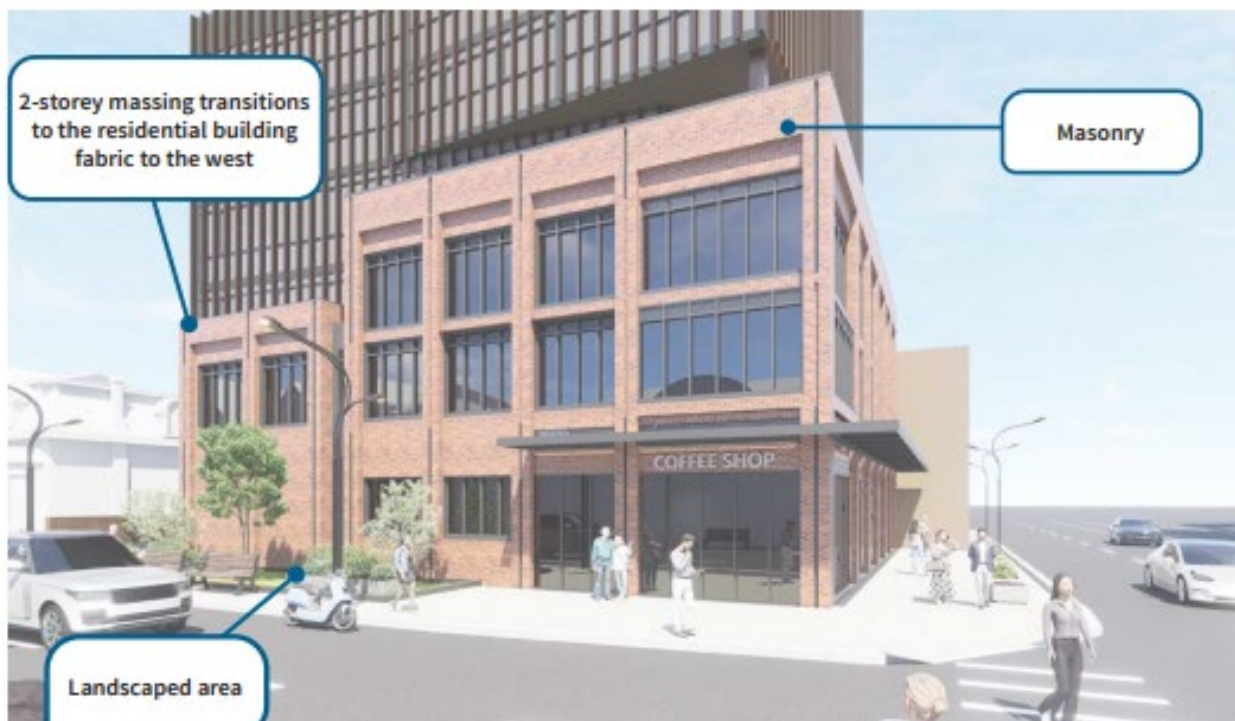
Extract from the HIA by ERA Architects Inc. that explains how the design relates to its context along Avenue Road

EXISTING BERNARD AVENUE CONDITION



(Google Maps; annotated by ER)

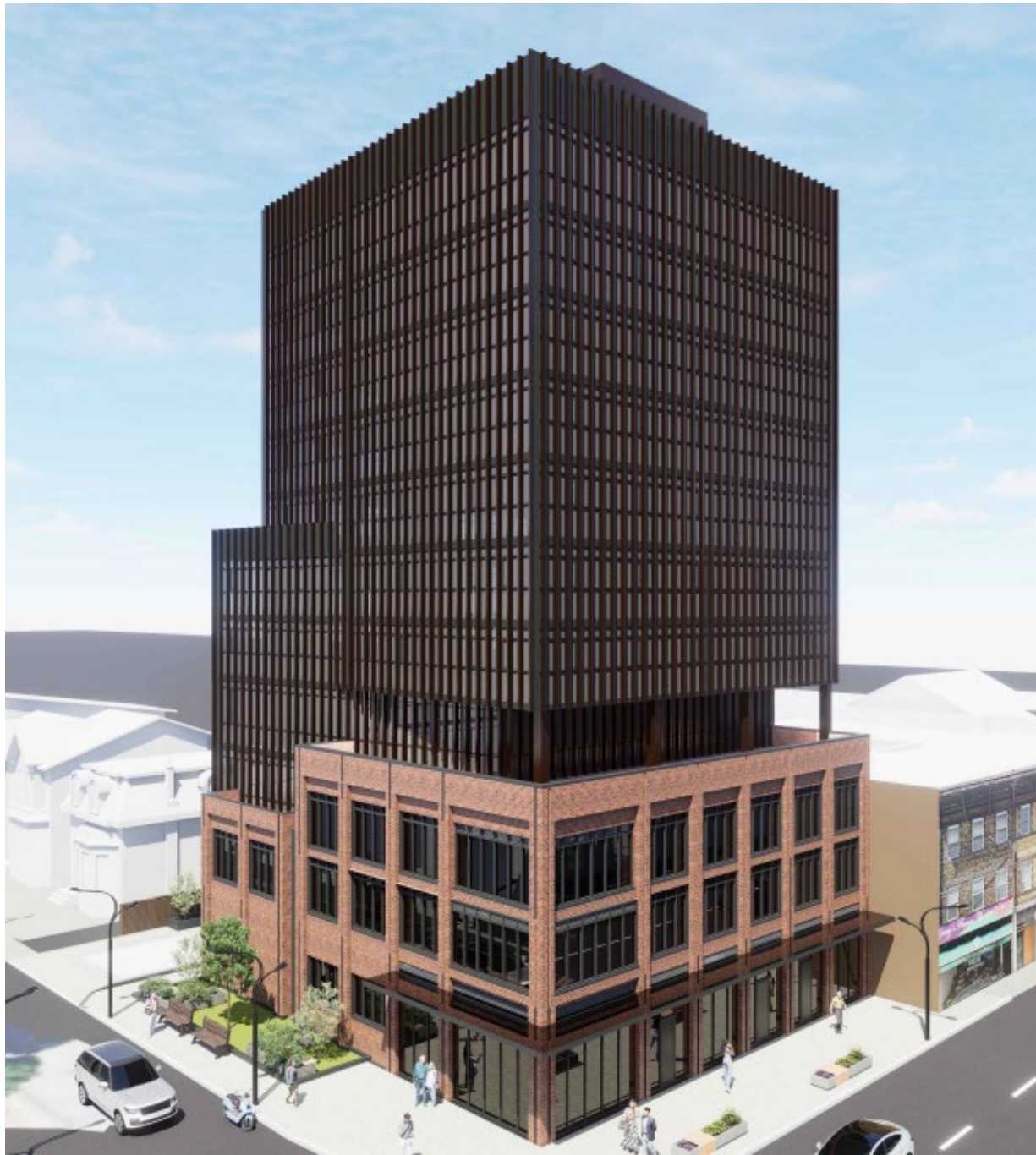
PROPOSED BERNARD AVENUE CONDITION



Extract from the HIA by ERA Architects Inc. that explains how the design relates to its context along Bernard Avenue



3D view of the new proposal looking southwest on Avenue Road (Source: Icon Architects).



3D view of the new proposal looking northwest at the intersection of Avenue Road and Bernard Avenue (Source: Icon Architects).