

Property Included on the City's Heritage Register - Consideration of Objection for 1751 Bayview Avenue

Date: May 26, 2025

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: 15 - Don Valley West

SUMMARY

This report responds to a notice of objection received by the City of Toronto under Section 27 (7) of the Ontario Heritage Act (the "OHA") from the property owner of 1751 Bayview Avenue objecting to the inclusion of the subject property on the City's Heritage Register.

Located on the east side of Bayview Avenue between Eglinton Avenue East and Parkhurst Boulevard, in the Leaside-Bennington neighbourhood, the property at 1751 Bayview Avenue contains a two-storey, brick-clad, residential apartment building constructed in the mid-1930s.

On December 18, 2024, City Council adopted the staff report NY19.12 that included the grouping of similar properties at 1747, 1751, 1759, 1763, 1767, 1771, 1773, and 1775 Bayview Avenue on the City's Heritage Register.

The OHA establishes 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. City Council must be made aware of such objections on a routine basis so that they may consider the matter and render a final decision. Once Council has decided on the objection, the OHA requires that the owner of the property must be notified of Council's decision within 90 days. Council's decision on objections to listing is final and is not subject to appeal.

In the first quarter of 2025, the City received one notice from property owners objecting to the inclusion of one property on the Heritage Register, that being 1751 Bayview Avenue.

Following a review of the objection to listing submitted for this property, staff are of the opinion that the property at 1751 Bayview Avenue holds cultural heritage value. Staff recommend that Council continue to include this property on the Heritage Register.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. In consideration of the objection made under subsection 27(7) of the Ontario Heritage Act, City Council continue to include the property at 1751 Bayview Avenue on the City of Toronto's Heritage Register.

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 July 23, 2018, City Council adopted the Midtown in Focus: Final Report, which includes Official Plan Amendment 405 known as the Yonge-Eglinton Secondary Plan. Map 21-10 in the Secondary Plan identified 1747 to 1785 Bayview Avenue as properties with potential cultural heritage value. Item – 2018.PG31.7

[Agenda Item History - 2018.pg31.7](#)

On July 16, 2021, City Council adopted By-law 670-2021 amending the City of Toronto Municipal Code Chapter 103, Heritage, in response to the More Homes, More Choice Act and in part established the process the City would follow when responding to owner's notices of objection under Section 27 (7) of the OHA.

<https://www.toronto.ca/legdocs/bylaws/2021/law0670.pdf>

On March 29, 2023, City Council adopted By-law 288-2023 amending the City of Toronto Municipal Code Chapter 103, Heritage, in response to the More Homes Built Faster Act and amended the process the City follows when responding to owner's notices of objection under Section 27 (7) of the OHA.

<https://www.toronto.ca/legdocs/bylaws/2023/law0288.pdf>

On March 20, 2024, City Council adopted a Request for Direction report for Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications for 1779 – 1787 Bayview Avenue. City Council consented to the incorporation of the front façade of the designated property at 1783 – 1785 Bayview Avenue into the southwest corner of the new proposed residential development. Additionally, City Council directed the Senior Manager, Heritage Planning, to prioritize the research and evaluation of the

heritage potential properties south of 1779 – 1787 Bayview Avenue, including 1747 – 1749 Bayview Avenue, for inclusion on the City's Heritage Register no later than November 2024. [Agenda Item History - 2024.CC16.7](#)

On December 18, 2024, City Council adopted NY19.12 and included the property at 1751 Bayview Avenue on the City's Heritage Register.
[Agenda Item History - 2024.NY19.12](#)

BACKGROUND

Ontario Heritage Act

The Ontario Heritage Act is the key provincial legislation, among other matters, for the identification, protection, management, and wise use of cultural heritage resources, including archaeology in Ontario and within municipal boundaries. This is largely achieved through listing on the 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 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. Prior to Bill 23 amendments to the OHA coming into force on January 1, 2023, Council could also include properties on the Heritage Register that had not been designated but were believed to be of "cultural heritage value or interest." Under the amended Act, Council can include properties on the Heritage Register that have not been designated but are believed to be of "cultural heritage value or interest" and meet one or more of the criteria prescribed under O. Reg 9/06.

Recent Amendments to the OHA establish a process to object to properties listed on the Heritage Register and a subsequent decision of the City in consideration of an objection received by an owner with respect to a listed property at any time.

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. This notice provides the City time to conduct further research and evaluation of a listed property to determine if it merits designation under Part IV of the OHA, and therefore warrants conservation, or if the property does not merit listing, and may not be required to be conserved and may be demolished.

Listing a property does not necessarily mean that it will be subsequently designated. Where a property is designated, the OHA requires owners to seek heritage approval for alterations or demolition. Designation arises in typically common scenarios, such as:

- a property owner gives notice of an intention to demolish the listed building and further evaluation recommends designation

- a listed property is included within a planning application and a Heritage Impact Assessment (HIA) submitted confirms the property contains cultural heritage value or interest in accordance with provincial criteria and proposes a subsequent evaluation to direct appropriate conservation measures within the planning approvals process
- a property is not listed on the Heritage Register, but is identified through a planning application as a potential cultural heritage resource that requires further evaluation to determine whether it meets two or more criteria under O. Reg 9/06
- a property owner wishes to take advantage of one of the city's heritage incentive programs and requests further staff evaluation and designation, as appropriate

Statements of Objection under the Ontario Heritage Act

Section 27(8) of the OHA requires that Council consider and decide on notices of objection received from property owners under subsection 27 (7) of the OHA. As of January 1, 2023, this requirement applies to all properties that are included on the Heritage Register.

Should the City Clerk receive an objection under subsection 27(7) of the OHA, Chapter 103-7.3 of the City of Toronto Municipal Code describes the process by which Council will respond. If in the opinion of the Chief Planner there is sufficient time to prepare a report, the Chief Planner will prepare a report to the Planning and Housing Committee on consideration of any objections received for recommendations to Council, on a quarterly basis. Subsection 27(8) of the OHA requires that once Council has decided on an objection the City shall provide notice of the decision to the property owner within 90 days.

COMMENTS

The OHA requires that owners seeking to object under Subsection 27(7) of the OHA must serve a notice of objection on the clerk of the municipality setting out the reasons for the objection and all relevant facts. Staff have reviewed the notice of objection served by property owners of 1751 Bayview Avenue in the first quarter of 2025, along with all submission materials and relevant information, and provide the following comments.

Staff are of the opinion that the notice of objection for 1751 Bayview Avenue contains no information with bearing on the identification of the cultural heritage value of the listed property under O. Reg 9/06.

The subject property at 1751 Bayview Avenue is within the Leaside-Bennington neighbourhood and was identified through the Eglinton-Yonge Secondary Plan as having potential cultural heritage value. At its meeting on March 20, 2024, City Council directed the Senior Manager, Heritage Planning, to prioritize the research and evaluation of the heritage potential properties including 1747 – 1749 Bayview Avenue

for inclusion on the City's Heritage Register. Staff conducted further evaluation and a recommendation for inclusion on the City's Heritage Register was adopted by Council on December 18, 2024.

The owner has submitted an objection (included as Attachment 2 to this report) on the following grounds:

- The "designation" of the property appears arbitrary and does not align with the broader urban planning and redevelopment efforts on Bayview Avenue
- The property does not exhibit any significant historical, architectural, or cultural value that would warrant such a designation
- The absence of a consistent or standardized approach to heritage registration on Bayview Avenue further undermines the validity of the listing of their property
- A heritage designation imposes significant restrictions and financial burdens on property owners, limiting renovation, redevelopment, and modernization efforts.

In response to the grounds noted, staff observe that the stated concerns, and objection to the "designation" of the property incorrectly conflates the decision of Council at issue, which only lists the property in the Heritage Register, and does not designate the property under Section 29 of the OHA. Designation would follow a distinctly different format and process and is not being proposed at this time.

Inclusion on the Heritage Register as a listed property does not impose any restrictions on property owners, except insofar as an owner must give Council at least 60 days notice of the intention to demolish or remove a structure on the property. Inclusion on the Heritage Register as a listed property does not preclude an owner's ability to make exterior and interior alterations, listing does not trigger maintenance requirements over and above existing property standards and listing does not restrict 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.

In response to the objection-related assertion that the property fails to exhibit any "significant historical, architectural or cultural value," the property at 1751 Bayview Avenue is one of a group of ten contiguous, two-storey, purpose-built fourplex properties of similar design that have all been identified as having design/physical value, value related to their distinctive history and associations and contextual value. Those properties from 1747 to 1785 Bayview Avenue, including 1751 Bayview Avenue, were identified by the City of Toronto in 2018 as properties with potential cultural heritage value through the Midtown Cultural Heritage Resource Assessment. Two of the ten properties that form the collection of fourplexes, at 1755 and 1781-1783 Bayview Avenue, have been designated under Section 29 of the Ontario Heritage Act.

Following a review of the owner's objection, Staff continue to be of the opinion that 1751 Bayview Avenue has cultural heritage value as identified in the listing report adopted by Council on December 18, 2024.

Finally, the listing of 1747, 1751, 1759, 1763, 1767, 1771, 1773 and 1775 Bayview Avenue is consistent and aligned with broader planning for the area. All properties from

1747-1785 Bayview Avenue were identified in 2018 through an area wide Cultural Heritage Resource Assessment that carefully considered all properties in the Secondary Plan area, including on Bayview Avenue from just south of Merton Street to north of Broadway Avenue, through a fair and transparent process that included public engagement. That assessment was a part of, and integrated into, long-term planning for the area which resulted in the Eglinton-Yonge Secondary Plan.

Map 21-10 of the Eglinton-Yonge Secondary Plan shows all properties in the Secondary Plan area that were identified as having potential cultural heritage value, including 1751 Bayview Avenue. Should the property be included within the boundaries of a planning application, heritage listing will require an applicant to submit a heritage impact assessment to describe and assess proposed changes.

After consideration of the objection to the listing of 1751 Bayview Avenue, staff are of the opinion that the subject property meets the criteria prescribed by Ontario Regulation 9/06 and holds sufficient cultural heritage value or interest to be listed in the City's Heritage Register. As such, staff recommend that the property remain listed on the City's Heritage Register.

CONCLUSION

Staff have reviewed the notice of objection submitted by the property owners of 1751 Bayview Avenue under Subsection 27(7) of the OHA. Staff remain of the opinion that 1751 Bayview Avenue holds cultural heritage value or interest. Staff are of the opinion that this property should continue to be listed on the Heritage Register.

CONTACT

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

Mary L. MacDonald, Senior Manager, Heritage Planning, Urban Design, City Planning
416-338-1079 Mary.MacDonald@toronto.ca

SIGNATURE

Jason Thorne
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 - Listing Statement (Reasons for Inclusion), 1751 Bayview Avenue
Attachment 2 - Notice of Objection, 1751 Bayview Avenue

Listing Statement (Reasons for Inclusion)

Staff have undertaken research and evaluation for the property at 1751 Bayview Avenue and believe that the property has cultural heritage value or interest and meets 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 property may meet additional criteria, which could be informed by community engagement and determined through further research and evaluation.

Listing Statement:

Description: Located on the east side of Bayview Avenue between Eglinton Avenue East and Parkhurst Boulevard, in the Leaside-Bennington neighbourhood, the property at 1751 Bayview Avenue contains a two-storey, brick-clad, residential apartment building constructed in the mid-1930s. The subject property includes two signed or convenience addresses, 1751 and 1753, posted on the building, but only one legal address. Presenting on the exterior as a single-family dwelling, this purpose-built four-unit property forms part of a group of what was originally ten contiguous properties of the same building type with Period Revival styling, located between 1747 and 1785 Bayview Avenue. The properties at 1755 Bayview Avenue and 1783-1785 are currently designated under Part IV of the Ontario Heritage Act.

The property at 1751 Bayview Avenue has cultural heritage value as it meets the following criteria under Ontario Regulation 9/06 of the Ontario Heritage Act:

Constructed in the mid-1930s, the property holds physical value as a two-storey, house-form building purposely designed to contain four residential units. The property is associated with Henry H. Talbot, a local builder, property developer, and Mayor of Leaside (1938-1947), and with W. Breden Galbraith, a well-known and prolific residential architect. Contextually, the property contributes to the collection of contiguous, four-unit, two-storey apartment buildings, along the east side of Bayview Avenue between Eglinton Avenue East and Parkhurst Boulevard.



1751 Bayview Avenue (Heritage Planning, 2024).



1751 Bayview Avenue (outlined in red). Note: This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).