TORONTO

REPORT FOR ACTION

39 Wynford Drive - Proposed Designation By-law Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objection

Date: October 28, 2026
To: City Council
From: Chief Planner and Executive Director, City Planning
Wards: 16 – Don Valley East

SUMMARY

This report recommends that Council affirm its decision of July 29 and 30, 2026 (PH32.14) stating its intention to designate the property at 39 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act. The City has received an objection on behalf of the property owner to the Notice of Intention to Designate within the statutory timeline. The Notice of Objection dated September 3, 2026, is included as Attachment 1 to this report.

The property at 39 Wynford Drive is located on the southeast corner of Wynford Drive and Gervais Drive one block northeast of Eglinton Avenue East and Don Mills Road in the Flemingdon Park neighbourhood. It contains a 4-storey International Style commercial office building constructed in 1962 as a two-storey structure designed by Peter Dickinson Associates with a complementary 2-storey vertical addition in 1967 by Webb, Zerafa, Menkes Architects (WZMH Architects).

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act (OHA), for its design/physical, historical/associative, and contextual values under the following six criteria:

- The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method
- The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community

- The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture
- The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community
- The property has contextual value because it is important in defining, maintaining or supporting the character of an area
- The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings

City Council has until December 2, 2026, which is 90 days from the date of the end of the objection period, to decide on this objection in accordance with the OHA. Due to the 2026 Council election break, this matter must be considered at the first meeting of the new term of Council on November 18-19, 2026; otherwise, the Notice of Intention to Designate the property will be deemed withdrawn under the OHA.

Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance and refuse demolition.

RECOMMENDATIONS

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

1. City Council affirm its decision to state its intention to designate the property at 39 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act as set out in Council Decision PH32.14 on July 29 and 30, 2026.

2. City Council authorize the City Solicitor to introduce the Bill in Council designating the property under Part IV, Section 29 of the Ontario Heritage Act.

FINANCIAL IMPACT

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 December 16 and 17, 2025, City Council included the property at 39 Wynford Drive on the City of Toronto's Heritage Register. City Council also requested that "the Chief Planner and Executive Director, City Planning to report to the Planning and Housing Committee on the intention to designate the property at 39 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act in accordance with a Statement of Significance for 39 Wynford Drive (entrance Address 41 Wynford Drive) following the completion of the Don Mills Regeneration Area Study and no later than July 16, 2026."
City Council's decision may be found here:
https://secure.toronto.ca/council/agenda-item.do?item=2025.PH26.14

On July 29 and 30, 2026, City Council adopted a report from the Chief Planner and Executive Director, City Planning to state its intention to designate the property at 39 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act.
City Council's decision may be found here:
https://secure.toronto.ca/council/agenda-item.do?item=2026.PH32.14

On May 26, 2026, North York Community Council recommended adoption of Official Plan Amendment 911 (Wynford-Gervais Site), which was later considered by City Council at its meeting on June 24-25, 2026. Item – NY33.3

BACKGROUND

Council has stated its intention to designate the property at 39 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act (OHA). Notice of Council's intention to Designate was served on the property owner on August 4, 2026, and the Ontario Heritage Trust and was published in accordance with the OHA. The objection period ended on September 3, 2026. https://secure.toronto.ca/nm/api/individual/notice/7754.do

A Notice of Objection was received by the City Clerk from the owner of the property within the required time frame set out in the OHA. The OHA requires that Council consider and make a decision on an objection within 90 days from the end of the objection period, subject to any permitted exceptions under the OHA. Council may decide to withdraw, amend, or affirm its intention to designate.

This is an urgent matter to be considered by City Council at its November 18, 19, 2026 meeting as Council has until December 2, 2026, to make a decision in response to the objection and if Council determines to proceed, to enact the designation by-law.

COMMENTS

Staff have reviewed the Notice of Objection dated September 3, 2026, prepared by Aird & Berlis LLP. A copy of the Notice of Objection is included as Attachment 1 to this report. Through this letter, the owner outlines several reasons for their objection, which focus on Planning Act applications, and a difference of opinion regarding cultural heritage value.

The OHA prescribes the process of designation of a property under Part IV. The OHA also prescribes criteria under Ontario Reg 9/06 required to be evaluated to determine whether a property has cultural heritage value or interest and therefore should be recommended for designation under the OHA. Planning Act applications do not determine the cultural heritage value or interest of a heritage property nor are they included in criteria for the evaluation or determination of cultural heritage value. Instead, Planning Act applications are to be informed by the designation by-laws and cultural heritage value or interest determined under the OHA such that a determination can be made whether the level of intervention and conservation proposed for a designated property is appropriate. To reach this understanding, it is necessary to first identify, evaluate and articulate the cultural heritage value of a property prior to planning for change and considering interventions to the heritage property.

The sequential approach described above is consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada and is also consistent with the intent of the Provincial Planning Statement (2024), which clarify that determination of the cultural heritage value should be undertaken prior to the application of heritage conservation policies to a particular planning application. Recent changes to the OHA emphasize that early identification and protection of heritage properties by municipalities as well as provincial legislative changes require that municipalities designate properties with cultural heritage value or interest within 90 days of the Clerk issuing a notice of complete application for the planning application, unless the timeline is extended or waived by the owner. The appropriateness of proposed interventions to a heritage property within the planning process are determined through an alteration or demolition application under Section 33 and Section 34 of the OHA. Whether a current or future planning application will conserve a heritage property is not a consideration or a determination to be made within the context of a designation by-law under Section 29 of the OHA. Therefore, the designation of the property is not premature and not predicated on any development of a given property.

In response to the request for further consultation with Heritage Planning staff regarding designation, Heritage Planning staff met with ERA Architects Inc. on April 22, 2026, to discuss their findings and opinion provided in the Heritage Impact Assessment (HIA) dated April 22, 2026. ERA Architects Inc. did not identify concerns with individual Ontario Reg 9/06 criteria but expressed the opinion that only the first two floors of the property have cultural heritage value and that the attributes should focus on the original 2-storey structure. Following this consultation, staff updated their report to reflect the relevant new information provided by ERA Architects Inc.

On April 28, 2026, the owner submitted an Official Plan Amendment, application number 26150475NNY16OZ, which proposes a mixed-use development with four buildings with heights of 52, 41, 29, and 12 storeys.

In response to staff requesting further information, ERA Architects Inc. provided an updated HIA dated June 1, 2026, while maintaining their original opinion. The remainder of the HIA pertains to Planning Act applications and the alteration and removal of portions of the property that would be addressed through heritage permits under Section 33 and Section 34 of the OHA as discussed above. A notice of complete application was issued by City Clerk's on June 3, 2026.

Separately, issues were raised in the objection letter dated September 3, 2026, prepared by Aird & Berlis LLP relating to Official Plan Amendment 911 ("OPA 911") which established amended policies in Site and Area Specific Policy 828 ("SASP 828"). SASP 828 was drafted after the property was listed on the City's Heritage Register and proceeded with the understanding that property had cultural heritage value.

OPA 911 and SASP 828 do not determine the cultural heritage value of the property. Cultural heritage value is determined under the processes and regulations of the OHA as described.

Additionally, Policy 33 of SASP 828 (raised in the objection letter) addresses new development on sites with cultural heritage value or interest and provides direction to address the unique site-specific characteristics of the on-site heritage buildings. The application of this policy would be addressed on a site-specific basis through the development review process and the heritage permit process, not the designation by-law. Otherwise, Policy 9, 26, 27, and 45 of SASP 828 (referenced in the objection letter) are not heritage policies.

A property must meet 2 of the 9 criteria to meet the threshold for designation under the OHA. The property meets and exceeds the minimum threshold by meeting 6 of the 9 prescribed criteria as identified and evaluated in the report from the Chief Planner and Executive Director, City Planning dated June 15, 2026. Heritage Planning staff maintain the accuracy of their evaluation and professional opinion that the property at 39 Wynford Drive meets and exceeds Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the OHA, on the basis of its design/physical, historical/associative and contextual values.

Should Council affirm its intention to designate, the City Solicitor will introduce a designating by-law to Council under Section 29 of the OHA. Once Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the OHA, an appeal may be made to the Ontario Land Tribunal in accordance with the OHA. The Ontario Land Tribunal Decision is binding.

CONCLUSION

The property at 39 Wynford Drive meets six of nine criteria under Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act for its design/physical, historical/associative, and contextual values. As such, and despite the Notice of Objection, this property should be designated.

City Council has until December 2, 2026, to make a decision in response to the objection and, if Council determines to proceed, to enact the designation by-law.

CONTACT

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SIGNATURE

Jason Thorne
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 39 Wynford Drive
Attachment 2 – Statement of Significance – 39 Wynford Drive
Attachment 3 – Photograph - 39 Wynford Drive

39 WYNFORD DRIVE **ATTACHMENT 1**

LETTER OF OBJECTION

(Provided separately)

39 WYNFORD DRIVE **ATTACHMENT 2**

(ENTRANCE ADDRESS 41 WYNFORD DRIVE)

STATEMENT OF SIGNIFICANCE

(REASONS FOR DESIGNATION)

Description

The property at 39 Wynford Drive is located on the southeast corner of Wynford Drive and Gervais Drive one block northeast of Eglinton Avenue East and Don Mills Road in the Flemingdon Park neighbourhood. The property contains a 4-storey International-Style commercial office building constructed in 1962 and expanded in 1967.

Statement of Cultural Heritage Value

Design and Physical

The property at 39 Wynford Drive has design and physical value as a representative example of an International Style commercial office building. Its rectangular plan, flat roof, deep soffits, taut plane exterior walls comprised of full height glazing and panels, and lack of applied ornamentation are hallmarks of the International Style, expressing volume over mass with a clear articulation of structure and proportional relationships.

Historical and Associative

The property at 39 Wynford Drive has value for its direct association with the development of Flemingdon Park as an entirely Modernist master planned community. This is reflected through its Modernist design and deep setbacks from Wynford Drive and Gervais Drive.

The property has further historical and associative value because it contributes to an understanding of the historical development of Flemingdon Park as an entirely Modernist master planned community. Located within the Flemingdon Park Industrial Area, its International Style design, set back from Wynford Drive on a large, landscaped lot, reflect the community’s development while providing evidence of the original character of the Industrial Area.

The property also has value for its association with both Peter Dickinson Associates (1958-1961) and the Webb Zerafa Menkes Housden Partnership (WZMH Architects). Founded by prominent Modernist architect Peter Dickinson (1925-1961), during its existence Peter Dickinson Associates was one of Toronto’s most important proponents of Modernism. Founded by four of Peter Dickinson’s associates after his death in 1961, WZMH Architects would complete 39 Wynford in 1962 and design the 2-storey addition in 1967. WZMH also designed the 1966 Shell Canada building at 75 Wynford Drive and the Bell Canada building at 100 Wynford Drive. One of Canada's leading architectural firms and a leading proponent of Modernism in the 1960s and 1970s, WZMH Architects has contributed many significant buildings to Toronto and Canada. The property’s

International Style design exemplifies both firms' masterful understanding of Modernist architectural design.

Contextual

Prominently located at the wide curve in Wynford Drive, the property at 39 Wynford Drive is important in defining, supporting, and maintaining the Modernist master-planned character along Wynford Drive between Don Mills Road and the Don Valley Parkway.

Constructed in 1962 as one of the earliest properties in the Flemingdon Park Industrial Area, the property is physically, functionally, and historically linked to its surroundings. This linkage is enhanced by the property's International Style design which responded to the Modernist design requirements that were part of the master plan for Flemingdon Park as well as its visually prominent location along the broad curve in Wynford Drive.

Heritage Attributes

Design or Physical Value

The following heritage attributes contribute to the design and physical value of the property at 39 Wynford Drive:

- The scale, form, and massing of the structure, including the 1967 2-storey addition, with its rectangular plan, 4-storey height, deep soffits, and flat roof with wide fascia and stepped-back mechanical penthouse
- The exterior walls with their pattern of full height glazing and solid panels
- The raised offset double entrance on the principal (north) elevation accessed from Wynford Drive
- The setback, placement and orientation of the building within the landscaped property

Contextual Value

The following heritage attributes contribute to the contextual value of the property at 39 Wynford Drive:

- The scale, form, and massing of the structure, including the 1967 2-storey addition, with its rectangular plan, deep soffits, and flat roof with wide fascia and stepped-back mechanical penthouse
- The exterior walls with their pattern of full height glazing and solid panels
- The raised offset double entrance on the principal (north) elevation accessed from Wynford Drive
- The setback, placement and orientation of the building within the landscaped property
- The view west along Wynford Drive of the principal (north) and east elevations of 39 Wynford Drive at the curvature in the road

- The view east from Gervais Drive of the principal (north) and west elevations of 39 Wynford Drive

39 WYNFORD DRIVE **ATTACHMENT 3**

PHOTOGRAPH



39 Wynford Drive (Heritage Planning, 2025).