

**IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1990, CHAPTER O.18 AND
CITY OF TORONTO, PROVINCE OF ONTARIO
119 CHURCH STREET, 127 (121-123) CHURCH STREET AND 89 QUEEN STREET
EAST
NOTICE OF DECISION**

TAKE NOTICE that the Council of the City of Toronto on February 6 and 7, 2024, has considered an application under Section 33 of the Ontario Heritage Act to alter a building and/or structure on a Property designated under Part IV, Section 29 of the Ontario Heritage Act for the Property municipally known as 127 (121-123) Church Street and 89 Queen Street East.

TAKE NOTICE that the Council of the City of Toronto on February 6 and 7, 2024, has considered an application under Section 34(1) 2 of the Ontario Heritage Act to demolish or remove or permit the demolition or removal of a building and/or structure on the Property designated under Part IV, Section 29 of the Ontario Heritage Act for the Property municipally known as 119 Church Street.

The decision of City Council, among other matters, regarding the application under the Ontario Heritage Act is as follows:

1. City Council approve the alterations to the heritage properties at 127 (121 and 123 Church Street) and 89 Queen Street East, in accordance with Section 33 of the Ontario Heritage Act, and the removal and partial reassembly of the building at 119 Church in accordance with Section 34 of the Ontario Heritage Act, to allow for the construction of a 59-storey plus mechanical penthouse mixed-use building, with such alterations substantially in accordance with the plans and drawings dated November 10, 2023, prepared by Arcadis and on file with the Senior Manager, Heritage Planning and the Heritage Impact Assessment prepared by GBCA Architects, dated November 10, and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with the Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to the following additional conditions:

a. That the related site-specific Zoning By-law Amendment permitting the proposed alterations has been enacted by City Council and has come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning.

b. That prior to the introduction of the bills for such Zoning By-law Amendment by City Council, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 119 and 127 (121-123) Church Street and 89 Queen Street East substantially in accordance with the plans and drawings dated November 10,

2023, prepared by Arcadis and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by GBCA Architects, dated November 10, 2023, subject to and in accordance with the Conservation Plan required in Recommendation 1.b.2, to the satisfaction of the Senior Manager, Heritage Planning including execution of such agreement to the satisfaction of the City Solicitor.

2. Provide a detailed Conservation Plan that includes an appropriate strategy for all ground level storefronts and a Reconstruction Strategy for the building at 119 Church Street, to be prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for the properties at 127 (121-123) Church Street and 89 Queen Street East prepared by GBCA Architects, dated November 10, 2023, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to Site Plan approval for the proposed Zoning By-law Amendment for the properties located at 119 and 127 (121-123) Church Street and 89 Queen Street East, the subject owner shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.b.2 to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

3. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

d. That prior to the issuance of any permit for all or any part of the properties at 119 and 127 (121-123) Church Street and 89 Queen Street East, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning the owner shall:

1. Have entered into a Heritage Easement Agreement with the City required in Recommendation 1.b.1.

2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.b.2, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.

3. Provide a Letter of Credit, including provision for upward indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan.

4. Provide full documentation of the existing building at 125-127 Church Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a USB flash drive in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

e. That prior to the release of the Letter of Credit required in Recommendation 1.d.3, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan, Heritage Lighting Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

IF YOU WISH TO APPEAL TO THE ONTARIO LAND TRIBUNAL:

Notice of an appeal of the decision of City Council on the application to alter the Property or the application to demolish or remove a building and/or structure on the Property may be served on the City Clerk, Attention: Registrar Secretariat, City Clerk's Office, Toronto City Hall, 2nd Floor West, 100 Queen Street West, Toronto, Ontario, M5H 2N2.; Email: RegistrarCCO@toronto.ca within thirty days of February 9, 2024, which is March 11, 2024.

A Notice of Appeal of the decision of City Council on the application to alter the Property under Section 33 of the Ontario Heritage Act must:

- (1) set out the reasons for the objection to the decision; and
- (2) set out the reasons in support of the objection to the decision.

If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/forms>.

A Notice of Appeal of the decision of City Council on the application to demolish or remove a building and/or structure on the Property under Section 34 of the Ontario Heritage Act must:

- (1) set out the reasons for the objection to the decision;
- (2) set out the reasons in support of the objection to the decision; and
- (3) be accompanied by the fee prescribed under the Ontario Land Tribunal Act, 2021, in the amount of \$1,100 for each appeal payable by certified cheque or money order to the Minister of Finance, Province of Ontario.

If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/forms>.

Who Can File An Appeal:

Only the owner of the Property may appeal the decision of Council of the City of Toronto to the Ontario Land Tribunal under Part IV, Section 33 of the Ontario Heritage Act, and only where City Council has consented to an application to alter a property with certain terms or conditions or refuses the application to alter a property.

Only the owner of the Property may appeal the decision of Council of the City of Toronto to the Ontario Land Tribunal under Part IV, Section 34.1 of the Ontario Heritage Act, and only where City Council has consented to an application to demolish or remove a building and/or structure on a property with certain terms or conditions or refuses the application to demolish or remove the building and/or structure on a property.

Getting Additional Information:

Further information in respect of the Decision of Council of the City of Toronto on the matter is available from the City of Toronto at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE10.18>

Dated at the City of Toronto on February 9, 2024.

John D. Elvidge
City Clerk