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City Clerk's Office

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City Clerk

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**IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1990, CHAPTER O.18 AND
CITY OF TORONTO, PROVINCE OF ONTARIO
4946 DUNDAS STREET WEST
NOTICE OF DECISION**

RECEIVED
2022/09/07
(YYYY/MM/DD)
Ontario Heritage Trust

Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario
M5C 1J3
registrar@heritagetrust.on.ca

TAKE NOTICE that the Council of the City of Toronto on July 19, 20, 21 and 22, 2022, 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 4946 Dundas Street West.

This notice is being served to the Owner of the Property, the Ontario Heritage Trust and any Interested Persons.

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 designated property at 4946 Dundas Street West, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new nine-storey mixed-use building with the alterations to the designated property consistent with the plans and drawings dated March 31, 2022, prepared by MontgomerySisam Architects Inc. and the Heritage Impact Assessment dated March, 2022 prepared by EVOQ Architecture, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to the following 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 the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 4946 Dundas Street West in accordance with the plans and drawings dated March 31, 2022, prepared by MontgomerySisam Architects Inc. and the Heritage Impact Assessment dated March, 2022 prepared by EVOQ Architecture, subject to and in accordance with approved 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, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment 4946 Dundas Street West prepared by EVOQ Architecture and dated March, 2022, to the satisfaction of the Senior Manager, Heritage Planning.

3. Recommendation b.1. and 2. above are required to be satisfied prior to the introduction of the bill for any Zoning By-law Amendment related to the property, unless other legal mechanisms are utilized so as to satisfy the City Solicitor that no Building Permit will be issued until such time as the Owner has entered into the Heritage Easement Agreement and registered the agreement on title. In any case, the Conservation Plan must be accepted and the Heritage Easement Agreement must be entered into and registered no later than December 9, 2022, or such later date as may be agreed by the owner and the Senior Manager, Heritage Planning in writing, failing which this condition will be determined to be unfulfilled.

c. That prior to final Site Plan approval for the proposal, for the property located at 4946 Dundas Street West, the 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 property 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 property, 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. Provide a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.

d. That prior to the issuance of any permit for all or any part of the property at 4946 Dundas Street West, 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 upwards 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, Lighting Plan and Interpretation Plan.
4. Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 20.32 cm X 25.4 cm (8" x 10") colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a USB 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 and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

IF YOU WISH TO REFER THE MATTER TO THE ONTARIO LAND TRIBUNAL:

Notice of an objection of the decision of City Council on the application to alter the Property may be served on the City Clerk, Attention: Administrator, Secretariat, City Clerk's Office, Toronto City Hall, 2nd Floor West, 100 Queen Street West, Toronto, Ontario, M5H 2N2; Email: hertpb@toronto.ca within thirty days of July 26, 2022, which is August 25, 2022.

A Notice of Objection 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.

Who Can File An Appeal:

Only the owner of the Property may object to the decision of Council of the City of Toronto and refer the matter 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.


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:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC47.43>

Dated at the City of Toronto on July 26, 2022.



 John D. Elvidge
City Clerk