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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
72-78 BERKELEY STREET**

RECEIVED
2023/05/16
(YYYY/MM/DD)
Ontario Heritage Trust

NOTICE OF DECISION

Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5H 1J3
registrar@heritagetrust.on.ca

TAKE NOTICE that the Council of the City of Toronto on May 10, 11 and 12, 2023, 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 72-78 Berkeley Street.

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 consent to the application to alter the designated properties at 72-78 Berkeley Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act with such alterations substantially in accordance with the plans and drawings dated October 31, 2022, prepared by architectsAlliance and on file with the Senior Manager, Heritage Planning and the Heritage Impact Assessment prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 2023, 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 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 72-78 Berkeley Street substantially in accordance with the

plans and drawings dated October 31, 2022, prepared by architectsAlliance and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 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, 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 72-78 Berkeley Street prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 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 properties at 72-78 Berkeley Street, 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 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 a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.

4. 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.

d. That prior to the issuance of any permit for all or any part of the properties at 72-78 Berkeley Street, 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.

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, erect, demolish or remove a building and/or structure on 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 May 16, 2023, which is June 15, 2023.

A Notice of Objection 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.

Who Can File An Appeal:

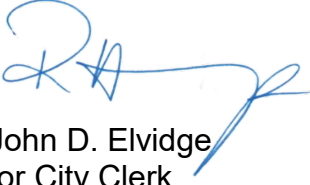
Only the owner of the Property may appeal the decision of Council of the City of Toronto to the Ontario Land Tribunal under Part IV, Section 33 of the Ontario Heritage Act, and only where City Council has consented to an application to alter a property with certain terms or conditions, or refuses the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

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=2023.TE4.23>

Dated at the City of Toronto on May 16, 2023.

A handwritten signature in blue ink, appearing to read 'John D. Elvidge', with a long horizontal flourish extending to the right.

John D. Elvidge
for City Clerk