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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
111 AND 115 BERKELEY STREET**

NOTICE OF DECISION

TAKE NOTICE that the Council of the City of Toronto on October 9 and 10, 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 111 and 115 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 heritage properties at 111 Berkeley Street and 115 Berkeley Street, with conditions, under Section 33 of the Ontario Heritage Act, to allow for the construction of a 45-storey (plus mechanical penthouse) mixed-use building, with such alterations to the designated properties being substantially in accordance with the plans and drawings prepared by Sweeny&Co Architects, dated April 13, 2023, and revised October 6, 2023, February 23, 2024, and July 3, 2024, and on file with the Senior Manager, Heritage Planning, and the Heritage Impact Assessment prepared by MHBC, dated October 2023, revised May 31, 2024, 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.

2. City Council direct that its consent to the application to alter the designated properties at 111 Berkeley Street and 115 Berkeley Street under Section 33 of the Ontario Heritage Act is also subject to the following conditions:

a. The related Zoning By-law Amendment requiring the proposed alterations have been enacted by the City Council and have come into full force and effect.

b. Prior to the introduction of the Zoning By-law Amendment bill to City Council, the owner shall:

1. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the

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Heritage Impact Assessment for 111 Berkeley Street and 115 Berkeley Street, prepared by MHBC, dated October 2023, revised May 31, 2024, to the satisfaction of the Senior Manager, Heritage Planning.

2. Enter into a Heritage Easement Agreement with the City for the properties at 111 Berkeley Street and 115 Berkeley Street substantially in accordance with the plans and drawings prepared by Sweeny&Co Architects, dated April 13, 2023, and revised October 6, 2023, February 23, 2024, and July 3, 2024, and on file with the Senior Manager, Heritage Planning, and the Heritage Impact Assessment prepared by MHBC, dated October 2023, revised May 31, 2024, subject to and in accordance with the Conservation Plan required in Recommendation 2.b.1 to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor.

c. That prior to the issuance of any permit for all or any part of the properties at 111 Berkeley Street and 115 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 Condition 2.b.2 for the properties at 111 Berkeley Street and 115 Berkeley Street including registration on title of such agreements, to the satisfaction of the City Solicitor.

2. Have obtained final approval for the necessary Zoning By-law Amendment, and such Amendment has come into full force and effect.

3. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.b.1 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.

4. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their 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.

5. 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.

6. Submit a Signage Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning.

7. 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 and Interpretation Plan.

d. That prior to the release of the Letter of Credit required in Recommendation 2.c.7 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.

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 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 October 15, 2024, which is November 14, 2024.

A Notice of Appeal 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=2024.TE16.11.](https://secure.toronto.ca/council/agenda-item.do?item=2024.TE16.11)

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Dated at the City of Toronto on October 15, 2024.

A handwritten signature in black ink, appearing to be 'J. Elvidge', with a long horizontal stroke extending to the right.

for John D. Elvidge
City Clerk