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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
38 WALMER ROAD**

NOTICE OF DECISION

ONTARIO HERITAGE TRUST
10 ADELAIDE STREET EAST
TORONTO, ONTARIO
M5H 1J3
registrar@heritagetrust.on.ca

RECEIVED
2024/12/02
(YYYY/MM/DD)
Ontario Heritage Trust

TAKE NOTICE that the Council of the City of Toronto on November 13 and 14, 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 38 Walmer Road.

TAKE NOTICE that the Council of the City of Toronto on November 13 and 14, 2024, has considered an application under Section 34(1)1 of the Ontario Heritage Act to demolish or remove or permit the demolition or removal of a heritage attribute of the Property designated under Part IV, Section 29 of the Ontario Heritage Act for the Property municipally known as 38 Walmer Road.

TAKE NOTICE that the Council of the City of Toronto on November 13 and 14, 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 38 Walmer Road.

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:
 - a. the alterations to the heritage property at 38 Walmer Road in accordance with Section 33 of the *Ontario Heritage Act* to allow for the construction of a 25-storey

tower with such alterations substantially in accordance with the plans and drawings dated October 7, 2024 prepared by Hariri Pontarini Architects and the Heritage Impact Assessment dated October 29, 2024 prepared by ERA Architects, both 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 conditions as set out below.

b. the demolition of the heritage attributes of the existing building on the designated heritage property at 38 Walmer Road, in accordance with Section 34(1)1 of the *Ontario Heritage Act* in connection with the approval of a 25-storey tower on the subject lands substantially in accordance with the plans and drawings dated October 7, 2024 prepared by Hariri Pontarini Architects and the Heritage Impact Assessment dated October 29, 2024 prepared by ERA Architects, both 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 conditions as set out below.

c. the demolition of two heritage buildings on the designated heritage property at 38 Walmer Road, in accordance with Section 34(1)2 of the *Ontario Heritage Act* in connection with the approval of a 25-storey tower on the subject lands substantially in accordance with the plans and drawings dated October 7, 2024 prepared by Hariri Pontarini Architects and the Heritage Impact Assessment dated October 29, 2024 prepared by ERA Architects, both 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 conditions as set out below.

2. City Council direct that it consents to the application to alter the designated property at 38 Walmer Road under Part IV, Section 33 of the *Ontario Heritage Act*; its consent to the demolition of attributes on the designated heritage property at 38 Walmer Road under Part IV, Section 34(1)1 of the *Ontario Heritage Act*, and its consent to the demolition of two heritage buildings on the designated heritage property at 38 Walmer Road, in accordance with Section 34(1)2 of the *Ontario Heritage Act*, subject to the following conditions:

a. that the related Zoning By-law Amendment requiring the proposed alterations and proposed removal of the heritage attribute(s) has come into full force and effect;

b. prior to issuance of any Ontario Land Tribunal order in connection with the Zoning By-law Amendment appeals for the property at 38 Walmer Road, the owner shall 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 prepared by ERA Architects and dated October 29, 2024 for the property at 38 Walmer Road, to the satisfaction of the Senior Manager, Heritage Planning;

c. prior to issuance of any Ontario Land Tribunal order in connection with the Zoning By-law Amendment appeals for the property at 38 Walmer Road, the owner shall enter into a Heritage Easement Agreement with the City for property at 38 Walmer Road, substantially in accordance with the plans and drawings dated October 7, 2024 prepared by Hariri Pontarini Architects on file with the Senior Manager, Heritage Planning and the Heritage Impact Assessment prepared by ERA Architects, dated October 29, 2024 and on file with the Senior Manager, Heritage Planning, subject to and in accordance with the approved Conservation Plan required in Recommendation 2.b, to the satisfaction of the Senior Manager, Heritage Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor;

d. prior to the issuance of any permit for all or any part for the property at 38 Walmer Road, 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. Provide a Heritage Lighting Plan that describe 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 a plan to the satisfaction of the Senior Manager Heritage Planning;
2. 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;
3. Provide a Signage 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 building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plans required in Recommendation 2.b., 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;
5. Provide full documentation of the existing heritage buildings to be demolished, 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 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; and

6. 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;

e. That prior to the release of the Letter of Credit required in Recommendation 2.d.6, 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 approved Conservation and Interpretation Plans and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and

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 heritage attribute(s) 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 (30) days of December 2, 2024, which is January 2, 2025.

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.

A Notice of Appeal of the decision of City Council on the application to demolish or remove a heritage attribute(s) 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.

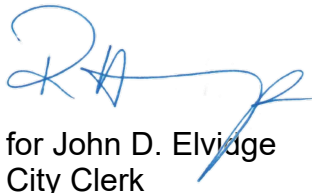
Only the owner of the Property may appeal the decision of Council of the City of Toronto to the Ontario Land Tribunal under Part IV, Section 34.1 of the Ontario Heritage Act, and only where City Council has consented to an application to demolish or remove a heritage attribute(s) with certain terms or conditions or refuses the application to demolish or remove the heritage attribute(s) of 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.CC23.10>.

Dated at the City of Toronto on December 2, 2024.



for John D. Elvidge
City Clerk