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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  
401 YONGE STREET  
NOTICE OF DECISION**

**RECEIVED**  
2023/10/31  
(YYYY/MM/DD)  
Ontario Heritage Trust

ONTARIO HERITAGE TRUST  
10 ADELAIDE STREET EAST  
TORONTO, ONTARIO  
M5H 1J3  
[registrar@heritagetrust.on.ca](mailto:registrar@heritagetrust.on.ca)

TAKE NOTICE that the Council of the City of Toronto on October 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 401 Yonge 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 alterations to the designated heritage property at 401 Yonge Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a 75-storey mixed-use building, with such alterations substantially in accordance with the plans and drawings dated March 12, 2023 prepared by Teeple Architects and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, and the Heritage Impact Assessment for 401 Yonge Street dated April 21, 2023, prepared by GBCA Architects and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning all subject to and in accordance with a Commemoration Plan satisfactory to the Senior Manager, Heritage Planning and subject to the following conditions:

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

b. Prior to the City Solicitor's submission of the necessary Bills for enactment on the applicant's zoning by-law amendment application, the owner shall provide a detailed Commemoration Plan prepared by a qualified heritage consultant to include a façade retention strategy and commemoration strategy for the property at 401 Yonge Street substantially in accordance with the Heritage Impact Assessment dated April 21, 2023 prepared by GBCA Architects, to the satisfaction of the Senior Manager, Heritage Planning.

2. City Council direct the City Solicitor to submit a bill to repeal City of Toronto By-law 452-2023 following the Senior Manager, Heritage Planning, Urban Design, City Planning's receipt of written confirmation from the owner's qualified heritage architect that the proposal as described in architectural plans for the site prepared by Teeple Architects, dated March 12, 2023, has been constructed in substantial accordance with those plans.

### **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](mailto:RegistrarCCO@toronto.ca) within thirty days of October 31, 2023, which is November 30, 2023.

#### **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.

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.

#### **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.CC11.7>

Dated at the City of Toronto on October 31, 2023.

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

John D. Elvidge  
City Clerk