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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  
171 LOWTHER AVENUE**

**RECEIVED**  
2024/04/24  
(YYYY/MM/DD)  
Ontario Heritage Trust

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

**NOTICE OF DECISION**

TAKE NOTICE that the Council of the City of Toronto on April 17 and 18, 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 171 Lowther Avenue.

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 heritage property at 171 Lowther Avenue in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of an 11-storey residential building, with such alterations substantially in accordance with plans and drawings dated October 26, 2023, prepared by Gabriel Fain Architects Inc. and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment for 171 Lowther Avenue dated October 30, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to conditions as set out below:

a. That the related site specific Official Plan Amendment and 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.

b. That the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 171 Lowther Avenue in accordance with the plans and drawings dated October 26, 2023, prepared by Gabriel Fain Architects Inc., and on file with

the Senior Manager, Heritage Planning, the Heritage Impact Assessment for 171 Lowther Avenue dated October 30, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, and in accordance with the Conservation Plan required in Recommendation 1.b.2 below to the satisfaction of the Senior Manager, Heritage Planning including registration 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 171 Lowther Avenue dated October 30, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to final Site Plan approval for the proposed Official Plan Amendment and Zoning By-law Amendment by City Council, for the property located at 171 Lowther Avenue the owner shall:

1. Provide final Site Plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.b.2 to the satisfaction of the Senior Manager, Heritage Planning.

2. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect.

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 Heritage Lighting Plan that describes how 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.

5. 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 171 Lowther Avenue, 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 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 above 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.

2. 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 1.d.2 above, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting 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: Administrator, 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 (30) days of April 24, 2024, which is May 24, 2024.

#### **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

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:**

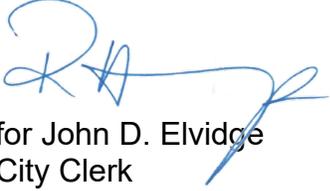
Only the owner of the Property may appeal the decision of Council of the City of Toronto to the Ontario Land Tribunal under Part IV, Section 33 of the Ontario Heritage Act, and only where City Council has consented to an application to alter a property with certain terms or conditions, or refuses the 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=2024.TE12.20>

Dated at the City of Toronto on April 24, 2024.

A handwritten signature in blue ink, appearing to be 'John D. Elvidge', written over a faint circular stamp.

for John D. Elvidge  
City Clerk