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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
309 CHERRY STREET**

RECEIVED
2024/07/02
(YYYY/MM/DD)
Ontario Heritage Trust

NOTICE OF DECISION

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

TAKE NOTICE that the Council of the City of Toronto on June 27, 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 309 Cherry 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 property at 309 Cherry Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act to allow for the redevelopment of the designated heritage property being substantially in accordance with the plans and drawings dated May 15, 2024 prepared by SvN Architects + Planners and the Heritage Impact Assessment (HIA) dated May 15, 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.

2. City Council direct that its consent to the application to alter the designated property at 309 Cherry Street under Part IV, Section 33 of the Ontario Heritage Act is also subject to the following conditions:

- a. that the related Zoning By-law Amendment requiring the proposed alterations 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 appeal for the property at 309 Cherry Street, 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 dated May 15, 2024 prepared by ERA Architects for the property at 309 Cherry Street, 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 appeal for the property at 309 Cherry Street, the owner shall enter into a Heritage Easement Agreement with the City for the property at 309 Cherry Street, substantially in accordance with the plans and drawings dated May 15, 2024 prepared by SvN Architects + Planners and the Heritage Impact Assessment (HIA) dated May 15, 2024 prepared by ERA Architects 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 309 Cherry 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 buildings as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

1. provide a Heritage Lighting Plan that describes how the exterior of the heritage buildings will be sensitively illuminated to enhance their 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. submit a Signage 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 Plan 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 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.5, 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.

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 July 2, 2024, which is August 1, 2024.

A Notice of Appeal 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.

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.TE14.17>

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

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

for John D. Elvidge
City Clerk