

## Position of the City of Toronto:

### Heritage Conservation Districts

The City of Toronto has been designating HCDs since 1985 and has created 20 of them, as of the date of this document. While these districts protect historically significant neighbourhoods, they employ wide-ranging methodologies of evaluation, development guidance, and goal setting. A consistent approach to studying and planning HCDs will ensure that they are of a high quality, fair and defensible.

HCDs are important because they ensure that areas valued for their significant history and character are protected and managed in the long term.

HCD Plans provide the City and the community with a clear set of policies and guidelines that respond to the unique historic qualities and attributes of a neighbourhood, so that appropriate change can be guided and welcomed. HCDs are also important because they reflect what a community values about an area. The local community should help to define what is important about a neighbourhood or area and provide input for the analysis of its cultural heritage values, character and conservation objectives. HCDs foster a sense of time and place that results in local community pride. The collaborative nature of creating an HCD has proven to create stronger historic neighbourhoods and communities.

The OHA empowers City Council to legally designate a defined area of the City as an HCD under a municipal by-law. Once the designation by-law is in place, City Council will issue or refuse heritage permits for alterations and demolitions under section 42 of the OHA. For appropriate alterations to properties within an HCD, City Council has delegated permit approvals to the Chief Planner.

Property owners within an HCD who wish to alter their property or demolish a designated structure must obtain heritage permits. The appropriateness of proposed changes will be weighed against the HCD Plan, the Official Plan, the Provincial Policy Statement, and the Standards and Guidelines for the Conservation Historic Places Canada. HCD advisory committees will also be consulted where appropriate.

The creation of an HCD is usually a community driven process. Community groups are encouraged to nominate areas for consideration by City Council. Although it is primarily the attributes and features that are visible from the public realm that are of the most concern in the majority of HCDs, it is important to remember that under the OHA the entire property, except for the interior, is designated as part of the HCD.

An HCD comes with many benefits in addition to a predictable and more refined heritage planning process for the district. These include an attractive and protected stable neighbourhood, access to heritage conservation incentives, City staff assistance for understanding the HCD Plan and the appreciation of the district and its history throughout the community. Most importantly, an HCD designation protects significant areas and neighborhoods from damage to the integrity of its character and its cultural heritage values.

An HCD can also limit the extent to which properties can be developed so that new additions or structures fit into the character of the HCD. This may mean that certain structures will not be recommended for demolition or extensive alteration. While the intent of an HCD is to manage change and to find a way to allow harmonious alteration and additions, it can also be true that a small number of property owners may feel disadvantaged by the regulations of a HCD Plan. The plan needs to be written to address the conservation of the entire district and might not always address the experience of a single or few owners who might feel constrained by the regulations.

### [Heritage Grant Program](#)

The Heritage Grant Program provides funds of up to 50% of the estimated cost of eligible work (some maximum limits apply) to residential or tax-exempt heritage properties.

Since 1986, the Toronto Heritage Grant Program has provided matching grant funds for eligible heritage conservation work to owners of properties that are designated under Part IV or Part V of the Ontario Heritage Act.

The Heritage Grant Program assists property owners repair and retain defining heritage attributes, including masonry, windows, doors, wood detailing, and slate roofs.

The program has had a noticeably positive impact in Heritage Conservation Districts such as Draper Street and Cabbagetown, as well as for individual properties across Toronto.

## **WHAT IS A HERITAGE CONSERVATION DISTRICT?**

The *Ontario Heritage Act* enables a municipality to designate the whole or any part of an area as a heritage conservation district. This allows City Council to administer policies and guidelines designed to protect and enhance the special character of groups of properties. The character is established by the overall heritage quality of buildings, streets and open spaces as seen together. Existing Heritage Conservation Districts include Rosedale, Cabbagetown, Harbord Village and the Union Station Area.

## **HOW IS A HERITAGE CONSERVATION DISTRICT DESIGNATED?**

Council may identify an area to be examined for designation as a Heritage Conservation District, often in response to local neighbourhood initiatives. The Ontario Heritage Act requires a study of the area, which provides background to the historical, architectural and character-defining features that make the area special. Design guidelines are also developed for the proposed area. Extensive consultation takes place with the community. After the study is completed and consultation with the Toronto Preservation Board has occurred, City Council may pass a by-law that establishes the Heritage Conservation District and implements the District Plan.

### Our area

At the moment only the Pump Station and 40 Rathnelly – the original pump house are listed.

Nearby HCD's

Rosedale

Cabbagetown

The Annex north of Bloor

Yorkville – parts of Hazelton, Scollard, New, Bishop, Berryman, Webster

Madison Ave

Wychwood

## **Developers' perspective:**

Heritage Conservation Districts – Owners and Developers Should be Wary

*November 28, 2018*

Ontario municipalities have a number of planning and development management tools at their disposal. One of the most powerful is their ability to designate a Heritage Conservation District (“HCD”) under Part V of the *Ontario Heritage Act* (the “Act”) and then create a corresponding Heritage Conservation District Plan (“HCD Plan”).<sup>[1]</sup> Developers and property owners in a proposed HCD should take note.

For property owners and developers, an HCD Plan, once in force, can be a significant obstacle for which there is no appeal or ability to amend. An HCD Plan may contain provisions which make it difficult to demolish, expand, or alter existing buildings, which inherently limits the development potential of properties within an HCD. As municipalities expand the scope and usage of HCD Plans, it is important

that owners and developers understand the HCD process and participate from the outset of the public consultation process.

The HCD Plans of the past are not the HCD Plans of the present, or the future. The first, weaker version of the *Ontario Heritage Act* was enacted on March 5, 1975.<sup>[2]</sup> For the first two decades of its existence, HCD Plans were regarded more as flexible guidelines to be considered when granting development approvals.

That is no longer the case. The *Act* underwent significant changes in 2005. Bill 60 – *An Act to Amend the Ontario Heritage Act*, added, among other enhanced powers for municipalities, including the ability to prohibit demolition of designated buildings (in the past, they could effectively only delay demolition, not prohibit it), the following:

**41.2** (1) Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,

- (a) carry out any public work in the district that is contrary to the objectives set out in the plan; or
- (b) pass a by-law for any purpose that is contrary to the objectives set out in the plan.

### **Conflict**

(2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force.<sup>[3]</sup>

This section fundamentally changed the nature of an HCD Plan. An HCD Plan (which must accompany every designated HCD) is, according to the *Act*, paramount and will prevail over any by-law with which it conflicts.<sup>[4]</sup> Effectively, this gives the municipality the upper hand in limiting or preventing development.

The existence of an HCD Plan limits the municipality's ability to pass its own by-laws should they conflict with the HCD Plan. It is also unclear as a matter of law whether council can amend an HCD Plan as doing so would require the passing of a by-law, which would inevitably be in conflict with the plan.

The scope of this authority will likely remain be the subject matter of future appeals. This will be something to monitor.

### **HCDs – What They Are**

Part V of the *Ontario Heritage Act* gives municipalities the ability to pass by-laws to designate as HCDs those areas whose cultural heritage value contributes to a sense of place extending beyond their individual buildings, structures and landscapes. Heritage value may be attributed to representative examples of architecture and does not require that they be outstanding or unique. Further, value may be "associative", and this is tied to historical events, not the quality of the built environment.<sup>[5]</sup>

Once a heritage conservation district designation by-law is approved, property owners in the district will need a permit from the municipality for any alteration that is not considered minor, as well as any demolition or new construction.

An HCD designation by-law must be registered on the title of each property within the district.

### **HCDs – Why They Matter**

The purpose of an HCD Plan is to impose responsibilities or limitations on landowners and/or properties in accordance with its terms. HCD Plans typically include inflexible rules that force expenses on property owners looking to replace, upgrade, or develop aspects of their property – for example, limiting building heights, restricting lot coverage, or requiring the preservation of certain buildings. This may prevent development directly as described above or effectively prevent it by rendering projects uneconomical. Developers should be conscious that it is possible for a municipality to misuse the heritage designation process as development control tool rather than a heritage preservation tool.

*Participating in the heritage designation process and understanding your right to appeal is critical for landowners within a proposed HCD given the risk of impact on the development potential of affected properties once an HCD By-law and HCD Plan come into force.*

### **What are the requirements of a property owner within a Heritage Conservation District?**

Heritage Conservation District (HCD) designation applies only to the exterior of buildings and the surrounding property. A property owner requires a heritage permit (approved by council) before they can undertake any major exterior alterations or demolitions, or any other works likely to have a substantial impact on the heritage attributes of the property. As such, it is up to the owner to notify council of the intended changes to be made. Council can take no longer than 90 days to make its decision.

Moreover, as an owner of a property held within an HCD, one must have a regard for the existing built form and character of the neighborhood with respects to its form, materials, height and massing in design proposals. A property owner must also avoid removing original building details, mature trees and other character-defining elements of the property, while always adhering to the minimum maintenance bylaw or property standards that can be found in legislation.

#### Assessing Potential Properties

Potential heritage properties must be researched and evaluated by Heritage Preservation Services before they can be added to the Heritage Register. These properties may be brought to the attention of the City by community members, City Councillors, or through planning studies and heritage conservation district studies.

#### HCD's currently under study:

City Planning is currently undertaking a number of Heritage Conservation District studies:

- [Baby Point](#)
- [Bloor West Village](#)
- [Cabbagetown Southwest](#)
- Distillery District
- [Kensington Market](#)
- [West Queen West & Parkdale Main Street](#)
- Hilton Avenue & Wells Hill Avenue
- [Weston II](#)
- The Junction Phase 1

Yasmina Shamji from Heritage dept.

For your information, we currently have a backlog of several hundred properties that are in queue to be researched, evaluated and added. We will push properties that are threatened by demolition to the front of the queue.

## 1 HERITAGE PLANNING

Should Rathnelly embark on this process, these are the kinds of things we would need to think about, research and prepare.

### Heritage Property Nomination Form

Please complete this form. Attach additional pages as necessary.

A. Address/Name of Property Nominated:

Area (boundaries):

Ward No.:

To find the ward number:

<https://www.toronto.ca/city-government/council/members-of-council/>

Map: Please attach an extract from a street map, marking the individual property, properties, street or area being nominated

B. Please check one box.

Nominated for:  \_Listing on Inventory  \_Designation under OHA

C. Name of Nominator:

Address of Nominator: 2

**1. Reason for Nomination:**

**I am nominating this property/group of properties/area because:**

**The property is part of a group and I believe this group stands out because:**

**2. Classification (for each property):**

**Building Type: (i.e., house, church, store, warehouse, etc.)**

**Other: (outbuilding, landscape feature, etc.)**

**Current Use: (residential, commercial, etc.) 3**

**3. Description (for each property):**

**Photograph:** Please attach 4x6" colour photographs showing (1) the street elevation and other applicable views for each property and (2) a group shot if the property is part of a group.

**Historical Name:**

**Date of Construction:**

**Architect/Builder/Contractor:**

**Original Use:**

**Significant Persons/Events:**

**Alterations:**

**4. Sources:**

Please indicate whether you have consulted the following sources; please attach research information and full references (*list of archives/libraries attached*):

- Land Records (Land Registry Office)
- City Directories  Goad's Fire Insurance Maps
- Building Permits  Historical Photographs
- Secondary sources (*book list attached*)
- Assessment Rolls
- Other: 4

**5. Comments:**

I am not the owner of the property or properties, but I have contacted the owner(s) and the response was as follows:

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**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**This form will not be accepted if not dated and signed**

**Please make sure you have attached map and photographs**

**Return to: Heritage Planning, Urban Design, City Planning**

**Toronto City Hall, 17th Floor, East Tower,**

**Toronto, Ontario M5H 2N2**

**Or send by e-mail to Yasmina Shamji at [yasmina.shamji@toronto.ca](mailto:yasmina.shamji@toronto.ca)**

**Or Fax (416) 392-1973**

**June 2018 5**



**PLACES TO RESEARCH  
TORONTO HISTORY AND ARCHITECTURE  
CITY OF TORONTO ARCHIVES**

255 Spadina Road  
Toronto M5R 2V3  
(416) 397-0778

[www.city.toronto.on.ca/archives](http://www.city.toronto.on.ca/archives)

□ \_collection for the amalgamated City of Toronto includes historical photographs, city directories, assessment rolls, building permits, Goad's Atlases, books, periodicals

**TORONTO REFERENCE LIBRARY**

789 Yonge Street  
Toronto M4W 2G8  
(416) 393-7131 (general)

[www.tpl.toronto.on.ca](http://www.tpl.toronto.on.ca) (e-mail reference service available on web page)

□ \_Baldwin Room/Special Collections (4th floor) has historical photographs, architectural drawings, etc.; library has extensive collection of books, city directories, periodicals, newspapers, etc.

□ \_material, including the *Archindont* database and the 19th century *Toronto City Directories* are accessible through the Virtual Reference Library: <http://vrl.tpl.toronto.on.ca>

**NORTH YORK CENTRAL LIBRARY**

5120 Yonge Street  
Toronto M2N 5N9  
(416) 395-5623 (Canadiana)

[www.tpl.toronto.on.ca](http://www.tpl.toronto.on.ca) – link to NYCL

□ \_includes Canadian Department and Ontario Genealogical Society collections

**URBAN AFFAIRS LIBRARY**

789 Yonge Street  
Toronto M4W 2G8  
(416) 393-7131 (general)  
□ \_includes Toronto history section

**ARCHIVES OF ONTARIO**

134 Ian MacDonald Blvd.  
Toronto, Ontario M7A 2C5  
(416) 327-1600

[www.archives.gov.on.ca/en/index.aspx](http://www.archives.gov.on.ca/en/index.aspx)

□ \_collection includes Horwood Collection of Architectural Drawings, historical photographs.

## **RESEARCH TECHNIQUES FOR DATING HERITAGE PROPERTIES**

The following steps can be followed to date most buildings in the former City of Toronto and can be applied, in limited ways, to buildings constructed in the pre-annexed areas of the city and in East York, Etobicoke, North York, Scarborough and York.

### **WHEN WAS IT BUILT?**

For late 19th century buildings in the former City of Toronto, the most expedient way to narrow down the date of construction is by consulting the Goad's Fire Insurance Atlases at the various libraries and archives listed below. First published in 1880 and updated at regular intervals, Goad's Atlases (superseded by Underwriters Insurance Company) contain street maps showing the shape, size and materials of buildings. Mid-19th century buildings in the former City of Toronto are shown on Boulton's Atlas for 1858. East York, Etobicoke, North York, Scarborough and York are included in the 1950s versions of Underwriters.

To confirm the date of construction, next consult the City of Toronto Directories, available in book form at the Toronto Reference Library and on microfilm at the City of Toronto Archives. Published from 1834 to present day, the directories are organized alphabetically by both street name and surname. Suburban areas are listed separately beginning in 1872; by 1930, most areas of East York, Etobicoke, North York, Scarborough and York are included in the names and street directories.

A year-by-year check of the directories may indicate when a site was developed. When dating a property this way, be aware that the information in any volume was usually compiled the *previous* year (for example, the directory for 1900 reflects the status of the site in 1899). Also, a directory lists the *occupant* of the property who may or may not be the owner. Commercial directories covering the City of Toronto and the adjoining Townships are available beginning in the 1830s with Walton's Directory of the City of Toronto and Home District.

Once you have established a date through the directories, more detailed information is found in Property Tax Assessment Rolls, available on microfilm at the City of Toronto Archives. Unless otherwise noted, information was compiled each year for tax collection the *following* year. Organized by city ward, the roll indicates the name, age, occupation, religion, and number of family members of the occupant, the name and address of the owner (where different), the status of the property (vacant or built upon), and the assessed value of the land and buildings. Until 1892, the rolls noted the number of stories and construction materials of the main structure and its additions. Assessment Rolls for the former City of Toronto (1834 ff.), York Township 7

(1882 ff.), and for World War 1-era Etobicoke, North York and Scarborough are found at the City of Toronto Archives.

#### **WHO WAS THE ARCHITECT/BUILDER?**

If you have determined that your property was developed within the former City of Toronto after 1881, the index of building permits for the City of Toronto may be consulted. Where a permit exists, it *may* list the name of an architect or builder. Indices are found at City Archives; permits may be examined on microfilm at City Archives.

When looking for an architect, another source is Archindont, an index of late 19th and early 20th century architectural and engineering journals. Available on microfiche (and partly available on the web) at the Toronto Reference Library, properties are listed alphabetically by street name, then street number. If a property is included in Archindont, the name of the architect and/or builder (if known) is listed, as well as the source of the information, such as an article from *The Canadian Architect and Builder* (1888-1908). When searching for an architect, indices of architectural drawings can be checked at the Toronto Reference Library (Baldwin Room/Special Collections) and at the Archives of Ontario. The Horwood Collection at the Archives of Ontario is one of the most extensive collections of architectural drawings in Canada, in which Toronto-based architects and architectural firms are well represented.

#### **WERE THERE SIGNIFICANT PERSONS OR EVENTS ASSOCIATED WITH THE PROPERTY?**

In addition to primary sources, including the ones listed above, a number of historical and contemporary reference books on Toronto's history and architecture are widely available.

#### **NEXT STEPS?**

More detailed research can be done by consulting land records at the Land Registry Office. Operated by the Ontario Ministry of Consumer and Commercial Relations, Toronto's Registry Office is located in the Atrium on Bay. Using the description of the property (plan and lot numbers), the Abstract Index of Deeds for a given property records chronologically the transfer of the property from one owner to the next, beginning with the Crown Patent and continuing to present day. Land records are particularly helpful when researching properties developed prior to the annexation of an area by the former City of Toronto and in East York, Etobicoke, North York, Scarborough and York.

Other useful sources are the Decennial Censuses of Canada (1841-1901) that provide information on landowners and occupants and, in some cases, buildings. The Censuses are available on microfilm at the Toronto Reference Library and other repositories.

Historical photographs and maps can be consulted at the places listed below.

**SOURCES:**

City of Toronto Archives, 255 Spadina Road, Toronto M5R 2V3, (416) 397-0078

[www.city.toronto.on.ca/archives](http://www.city.toronto.on.ca/archives)

[archives@city.toronto.on.ca](mailto:archives@city.toronto.on.ca)

Toronto Land Registry Office, Atrium on Bay, 20 Dundas Street West, 3rd Floor, Toronto M5G 2C2, (416) 314-4430.

<https://www.ontario.ca/page/land-registry-offices-lro>

Toronto Reference Library, 789 Yonge Street Toronto M4W 2G8, (416) 393-7196; *Archindont* database, & 19th century *City of Toronto Directories* available through the *Virtual Reference Library*:

<http://vrl.tpl.toronto.on.ca>

**BOOK LIST**  
**FOR TORONTO HISTORY AND ARCHITECTURE**  
**HISTORY & ARCHITECTURE:**

Arthur, Eric. Toronto. No Mean City. 3rd. ed. Revised by Stephen A. Otto. Toronto: University of Toronto, 1986. - *architectural history of pre-1900 Toronto traces the historical development of the city*

Careless, J. M. S. Toronto To 1918. An Illustrated History. Toronto: James Lorimer and Company, 1984. - *provides general historical overview up to World War I with photographs and illustrations; companion to Toronto Since 1918*

Dendy, William. Lost Toronto. 2nd ed. Toronto: McClelland and Stewart, 1993. - *includes historical photographs with descriptions of over 100 demolished landmark buildings*

Dendy, William, and William Kilbourn. Toronto Observed. Its Architecture, Patrons and History. Toronto: Oxford University Press, 1986. - *the history of Toronto is traced through its buildings, beginning with the military and colonial structures of the early 19th century, and concluding with projects from the early 1980s*

Lemon, James. Toronto Since 1918. An Illustrated History. Toronto: James Lorimer and Company, 1985. - *companion to Toronto To 1918*

Lundell, Liz. The Estates of Old Toronto. Erin, Ont.: Boston Mills Press, 1997.

McHugh, Patricia. Toronto Architecture. A City Guide. 2nd ed. Toronto: McClelland and Stewart, 1989. - *architectural and historical guide to various city neighbourhoods*

**TORONTO ARCHITECTS:**

Carr, Angela. Toronto Architect Edmund Burke. Montreal/Kingston: McGill-Queen's University, 1995.

Litvak, Marilyn M. Edward James Lennox. Toronto: Dundurn, 1995.

McArthur, Glenn, and Annie Szamosi. William Thomas, Architect 1799-1860. Ottawa: Carleton University, 1996.

**STYLE & PRESERVATION: *other titles available***

Blumenson, John J.-G. Ontario Architecture. A Guide to Styles and Building Terms 1784 to the Present. Toronto: Fitzhenry and Whiteside, 1990.

Fram, Mark. Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation. Erin, Ont.: Boston Mills Press, 1987.

Kalman, Harold. A History of Canadian Architecture. 2 vol. Toronto: Oxford University Press, 1994.

Rempel, John. Building with Wood and Other Aspects of 19th Century Building in Central Canada. Rev. ed. Toronto: University of Toronto, 1980.

**TORONTO NEIGHBOURHOODS: *other titles available***

Brown, Ron. Toronto's Lost Villages. Boston Mills, 1997.

Byers, Nancy, and Barbara Myrvold. St. Clair West in Pictures. 2nd ed. Local History Handbook No. 8. Toronto Public Library Board, 1999.

Campbell, Mary, and Barbara Myrvold. The Beach in Pictures. 1793-1932. Local History Handbook No. 6. Toronto Public Library Board, 1988.

Gibson, Sally. More Than an Island. A History of the Toronto Island. Irwin, 1984.

Hutcheson, Stephanie. Yorkville in Pictures 1853 to 1883. The Early History of Yorkville. Local History Handbook No. 2. Toronto Public Library Board, 1978.

Laycock, Margaret, and Barbara Myrvold. Parkdale in Pictures. Its Development to 1889. Local History Handbook No. 7. Toronto Public Library Board, 1991.

Miles, Joan, ed. West Toronto Junction Revisited. Boston Mills, 1986.

Myrvold, Barbara. The Danforth in Pictures. A Brief History of the Danforth. Toronto Public Library, 1979.  
----- Historical Walking Tour of Kensington Market and College Street. Toronto Public Library Board, 1993.

Ritchie, Don. North Toronto. Boston Mills, 1992.

Rust-D'Eye, George H. Cabbagetown Remembered. Boston Mills, 1984.