

## 963 City of Toronto Properties are Proposed to be Added to the City's Heritage Register – Is Your Property One of Them?

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The City of Toronto is proposing to list almost one thousand properties on its Heritage Register pursuant to section 27 of *Ontario Heritage Act* (Act), impacting the development potential of hundreds of properties across the City.

### The Listing Process

Heritage Preservation Services, the City's department responsible for assessing and listing properties on the City's Heritage Register, prepared several recommendation reports that were considered by the Toronto Preservation Board at its November 30, 2020 meeting. The reports recommended "batch listing" properties on the basis of planning studies where a preliminary analysis was undertaken as to the heritage potential of properties in planning area.

A total of 963 properties were considered across six planning study areas which include:

- 165 properties identified in the Danforth Avenue Planning Study (OPA 420);
- 162 properties identified in the Dundas Street West and Roncesvalles Avenue Built Form Study;
- 16 properties identified in the Forest Hill Village Urban Design Guidelines;
- 257 properties identified in the King-Parliament Secondary Plan review;
- 38 properties identified in the Ossington Avenue Planning Study; and
- 325 properties identified in the Queen Street West Planning Study (OPA 445).

The decisions and associated staff reports that were considered by the Board at its November 30<sup>th</sup> meeting can be found here. The Board recommended the adoption of all batch listed properties for inclusion on the Register. While the Board makes recommendations, it is ultimately City Council that determines such additions.

### Impact of Listing a Property on the Register

Though the Act distinguishes between listed properties and designated properties, the impact on property owners may be the same. While alteration of a listed property is permitted under the Act, more extensive

redevelopment is subject to further restrictions.

Both the Provincial Policy Statement, 2020, and the City of Toronto Official Plan require that the heritage resources of listed properties be conserved along with designated properties. As such, a Heritage Impact Assessment would be required to obtain planning approvals and development is guided (restricted) by the requirement to conserve heritage resources. Further, before any permits to demolish or remove a listed building or structure are granted, the Act provides a municipality with 60 days in which the City could designate a property. If a property is then designated, and it often will be, should an owner wish to alter or demolish a heritage resource, an additional approval under the Act is required.

## Next Steps

As listing can affect redevelopment potential, developers or homeowners who are considering redevelopment should review the reports for their property's addresses. As there are also planning policies which apply to properties' adjacent to heritage resources, neighbours of such properties should also consider carefully.

The Act does not currently provide a formal process for a property owner to challenge the proposed listing of their property. However, owners can submit comments to Community Council or Council for their consideration. Ultimately, however, listing is likely to occur, and heritage planning will add an additional layer of regulation to be considered by an owner in the event of a development application.

Note that owners whose properties are listed this year will not benefit from the Bill 108, *More Homes, More Choice Act*, 2019 requirement for a municipality to provide notice to an owner of a listing, which includes an explanation of why the municipality believes the property to be of cultural heritage interest or value nor its new formal objection process, as those amendments come into force January 1, 2021.

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