

Barristers & Solicitors
Patent & Trade-mark Agents

McCarthy Tétrault

McCarthy Tétrault LLP
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto, ON M5K 1E6
Canada
Telephone: 416 362-1812
Facsimile: 416 868-0673
mccarthy.ca

Cynthia A. MacDougall
Direct Line: 416-601-7634
Direct Fax: 416-868-0673
E-Mail: cmacdoug@mccarthy.ca

September 29, 2008

VIA FACSIMILE AND COURIER

Mr. Gary Wright
Chief Planner
City of Toronto
City Planning Division
18th Floor, East Tower
100 Queen Street West
Toronto ON M5H 2N2

Attention: Mary MacDonald

Dear Sirs / Mesdames:

Re: Removal / Retention of Jail Bars – Bridgepoint Health

We act on behalf of Bridgepoint Health, with respect to its proposal to build a new health care campus that goes beyond the treatment of illness to promote recovery and wellness. Bridgepoint is redefining what a hospital can be to patients, the community, and staff by creating an atmosphere of well-being and openness. Bridgepoint's proposal is an important development in the history of the entire site, which includes the Old Don Jail, as well as the existing hospital. As part of the creation of the healthcare campus, it is important that the message of health be communicated effectively to all.

Bridgepoint Health is proposing to finalize approval of its Site Plan Application initially submitted on December 7, 2007, (which has been revised with plans dated July 18, 2008). Bridgepoint's proposal provides for the meaningful integration of the historic Old Don Jail, in accordance with Council's adopted Urban Design Guidelines.

Unfortunately, we understand that there is a lack of agreement with Heritage Staff as it relates to the Site Plan Application and the Heritage Impact Statement with respect to where jail bars should be retained and where removal is appropriate.

McCarthy Tétrault LLP TDO-ELM #7292897 v. 1

Vancouver, Calgary, Toronto, Ottawa, Montréal, Québec, and London, UK

September 29, 2008

- 2 -

Gary Wright

Enclosed is a letter prepared by ERA Architects, dated September 29, 2008, identifying the specifics regarding where the jail bars are proposed to be retained and technical challenges regarding their replacement in certain instances, given the size and location of the windows.

We note that the City's Heritage Easement Agreement dated March 25, 2002, specifically identified the issue of jail bar retention as requiring further resolution. The proposal as outlined in the attached ERA letter, represents an appropriate balance between respecting the important heritage significance of the Old Don Jail, while also providing for the adaptive re-use of the Old Don Jail.

Bridgepoint is proposing to provide for the removal of the bars on the Central Pavilion facing Gerrard Street East, with retention of the jail bars as required in accordance with the Province's Heritage Trust Agreement. As reflected on drawings dated May 6, 2008, an alternative was proposed, which provides for the retention of the bars on the east and west facades of the Central Pavilion, facing Gerrard Street East. We understand the alternative is not acceptable to City Heritage Staff.

As set out in the ERA letter, reasonable modifications are permitted alterations without an amendment to the existing Heritage Easement Agreement with the City, however, given lack of Heritage Staff support, we respectfully ask that:

1. the removal of the jail bars from the Central Pavilion facing Gerrard Street East be permitted, or
2. in the alternative, while not preferred by Bridgepoint Health given the technical reasons cited in the ERA letter, the alternative proposal reflected in the drawings dated May 6, 2008 be accepted, providing for retention of the jail bars on the east and west facades of the Central Pavilion, facing Gerrard Street East.

The aforementioned proposal is a request in accordance with :

1. Section 2.2 of the City's Heritage Easement Agreement, as a request to the City for a written approval of a permitted alteration, which has also been forwarded to the City Solicitor as required by the Agreement; and
2. in our view, the request is a reasonable modification as is contemplated under Section 2.3 of the City's Heritage Easement Agreement.

McCarthy Tétrault

September 29, 2008

- 3 -

Gary Wright

Should you require further information, please do not hesitate to contact the writer.

Yours very truly,

McCarthy Tétrault LLP

Per:



Cynthia A. MacDougall
CMAC/sy
Encl.

c: Anna Kinastowski, City Solicitor (via fax and courier)
Leslie Forder (via fax and courier)