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SHERMAN · BROWN · DRYER · KAROL  
BARRISTERS & SOLICITORS

April 7, 2014

Toronto and East York Community Council  
Toronto City Hall  
100 Queen Street West, 2<sup>nd</sup> Floor, West Tower  
Toronto, ON M5H 2N2

**Attention: Ms. Ros Dyers, Committee Administrator**

Dear Sir/Madam(s):

**Re: Notice of Objection to Intention to Designate the property municipally  
known as 10 ST. MARY STREET in the City of Toronto**

We are the solicitors for LIFETIME ST. MARY STREET INC., the owner of the property municipally known as 10 St. Mary Street (the "Site") in the City of Toronto, who acquired the Site on September 23, 2013. Prior to our client's acquisition of the Site, they reviewed, in detail, all City records which confirmed that the Site was neither listed and/or designated pursuant to the Ontario Heritage Act. During its due diligence period, our client and its heritage consultant reviewed the status of the site and building, confirming that the building had never been proposed to be listed nor designated, with other buildings on the same block having been added to the City's list of important heritage buildings. With no heritage interest ever shown in the property, and with our client being provided with a demolition permit during its due diligence period, which again, was issued after City Heritage Staff confirmed that the Site was neither listed and/or designated, our client closed on the purchase of the property.

Having conducted a full and comprehensive review of the development potential of the Site for a hi-rise condominium and having satisfied themselves that the existing building did not merit retention, our client and its various consultants attended pre-consultation meetings with City Staff (including planning, urban design and heritage staff) to review our client's proposed design. The original design included a podium that replaced the existing building with a new podium of a height that replicated the built form envelope of the existing building on Site. At that meeting, City Planning Staff and Urban Design Staff made it clear that our client's podium should be reduced to comply with the City's "new vision" for the area, as established in their recent report on the North Downtown Yonge Urban Design Guidelines. The recommendation to reduce the height of the podium to comply with the new 18m requirement, by definition, requires the demolition of the existing building. When the recommendation was made at our client's pre-consultation meeting, not once did Heritage Staff raise a concern and/or suggest that the building had any heritage significance whatsoever.

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PRACTISING IN ASSOCIATION

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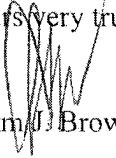
THE INDIVIDUAL LAWYERS NAMED ABOVE PRACTISE IN ASSOCIATION WITH ADAM Z. BERLIN PROFESSIONAL CORPORATION.

When the City's report recommending designation of the Site was released, their report did not in any way acknowledge the fact that a pre-consultation process had commenced, there was no mention of the meeting with staff where our client was directed to consider a podium redesign that would necessitate the demolition of the existing building, nor is there any explanation why other sites in this same block were listed and/or designated, while this site was never once mentioned in any prior reports as meriting any special attention from a heritage standpoint. In fact, when one simply drives by the site, the reason that such building was never previously considered for designation is obvious.

In any event, it is our client's respectful submission that given the prior consideration of this block where City Staff never moved to list and/or designate the site, given the pre-consultation process where it was suggested that a podium height be proposed which required the demolition of the building, and given the pre-acquisition due diligence carried out by our client, the recommendation to designate the site should not be adopted by either Community Council or Council.

Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,

  
Adam J. Brown

cc: Councillor Wong-Tam  
Mr. David Oikawa, Manager, Community Planning  
Ms. Sarah Henstock, Senior Planner, Community Planning  
Ms. Mary MacDonald, Acting Manager, Heritage Preservation Services  
Mr. Brian Brown  
Mr. Peter Smith