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# AIRD & BERLIS LLP

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Barristers and Solicitors

Eileen P. K. Costello  
Direct: 416.865.4740  
E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

September 23, 2015

Our File No.: 114838

**BY EMAIL**

Toronto Preservation Board  
City of Toronto  
100 Queen Street West  
2<sup>nd</sup> Floor, West Tower, City Hall  
Toronto, Ontario  
M5H 2N2

Attention: Lourdes Bettencourt

Dear Chair and Members of the Toronto Preservation Board:

**Re: Toronto Preservation Board Item No. PB7.5  
Intention to Designate: 480 and 484 Yonge Street**

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Please be advised that Aird & Berlis LLP represents the owner of the above noted lands located on the west side of Yonge Street between Grenville and Grosvenor Streets. We write in respect of the report related to the proposed designation of these properties.

Firstly, we need to correct the assertion in the Staff Report which indicates that our client consents to the proposed designation. This is not accurate.

Rather, our client has worked in a cooperative fashion with Heritage Preservation Services staff as well as Community Planning staff in order to understand the heritage attributes of the properties and how those attributes can be protected during the redevelopment of the sites. This has included providing staff with the opportunity to conduct site visits both internally and externally of the properties as recently as a few weeks ago. However, our client has not consented to the designation or the reasons for designation as set out in the Staff Report. Moreover, it is our client's request that the designation not proceed at this time for the reasons below.

As is indicated in the Staff Report, the properties are the subject of rezoning applications, submitted in December, 2014. These development applications have always contemplated the retention of both the clock tower for 484 Yonge Street as well as portions of the building at 480 Yonge Street. Our client continues to work cooperatively with staff in making the revisions to its development concept in order to reach agreement with staff on the proposal. Our client has not appealed the rezoning proposals to the OMB despite being in a position to do so and continues to work in a cooperative fashion with staff.

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Additionally, these lands are within the study area of the potential Yonge Street HCD authored by By-law No. 277-2015. As a result of the passage of this by-law, there is a moratorium on alteration, demolition or removal of buildings or structures within the study area. Therefore, there is no ability to pursue demolition or alteration of buildings or structures on these properties, nor has our client ever sought alteration or demolition permits.

The Reasons for Designations contained in the Staff Report and the heritage attributes listed in respect of both properties raise a number of questions for our client in respect of the impact on its development proposal. By way of example, the clock tower is referenced as a key heritage attribute of the property at 484 Yonge Street. It is unclear, based on the description of this heritage attribute, whether changes can be made to the ground floor of the building and to what extent changes can be made to the location of the clock tower. Additionally, in respect of 480 Yonge, reference is made in the heritage attributes to the "materials" of the façade, with a statement in parentheses that the original brick cladding being covered more recently by stucco. Again, it is unclear what the inclusion of this specific heritage attribute means in respect of any proposed adaptive re-use and/or alteration of the building in the context of a redevelopment.

For the above reasons, our client requests that the designation process not proceed at this time. Rather, our client asks that staff continue to work with our client in the context of the development proposal and to understand how it can best respond to and preserve the heritage characteristics of the properties. In our view, continuing in this cooperative fashion is to be preferred over moving forward with the designation as currently proposed, which may result in an objection having to be filed in order to protect for the ability to make changes to the reasons for designation and/or description of heritage attributes.

We will be in attendance at the Toronto Preservation Board meeting on September 25<sup>th</sup> and will be pleased to answer any question which the Board may have of our client in respect of this request.

Yours truly,

AIRD & BERLIS LLP

Eileen P. K. Costello

EPKC/lm

c: Client

Michael McClelland, ERA Architects Inc.

Sherry Pedersen, Heritage Preservation Services

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