

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Patrick Devine  
patrick.devine@devinepark.com  
D 416.645.4570

Devine Park LLP  
250 Yonge St., Suite 2302  
P.O. Box. 65  
Toronto ON M5B 2L7

T 416.645.4584  
F 416.645.4569

Matter No. P752-01

May 19, 2017

**Delivered Via Email (clerk@toronto.ca)**

Mayor and Members of Council  
c/o City Clerk's Office  
13<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attn: Ulli Watkiss, Clerk**

Dear Mayor and Members of Council:

**RE: Council Agenda Item TE24.11 – “Alterations to Designated Heritage Properties at 284 King Street West (Anderson Building) and 322 King Street West (Eclipse Whitewear) and Authority to Amend Heritage Easement Agreements, Demolition of Heritage Properties at 266 and 276 King Street West”  
Consideration by City Council on May 24, 2017  
Letter Submitted on Behalf of Ed Mirvish Enterprises Ltd.**

We are the solicitors for Ed Mirvish Enterprises Ltd. (the “**Owner**”), the owner of the property municipally known as 260 King Street West in the City of Toronto (the “**Property**”). We are writing on behalf of our client with respect to the above-noted Item, which is being considered by Council at its meeting beginning May 24, 2017.

At its meeting of July 8, 9, 10 and 11, 2014, City Council approved plans to permit two tall buildings at 260-270 King Street West and 275-322 King Street West, known as the Mirvish + Gehry Project. The design of the approved East Tower of the Mirvish + Gehry Project includes portions which extend over 260 King Street West (the Royal Alexandra Theatre), above a height of approximately 33.5 metres.

At its meeting on May 2, 2017, Toronto and East York Community Council (“**TEYCC**”) adopted the six Recommendations outlined in the above-noted Item, and added three further Recommendations moved by Councillor Cressy by way of Motion relating to a correction in the legal description in the Designating By-law for the Royal Alexandra Theatre to exclude the area of the portion of the East Tower extending over 260 King Street West from the application of the Designating By-law. The three additional Recommendations are as follows:

7. City Council state its intention to amend Designating By-law No. 512-75 (as amended by By-law No. 1238-2012) to correct the legal description in accordance with Section 30.1(3) of the Ontario Heritage Act.
8. City Council provide notice of the proposed amendment to Designating By-law No. 512-75 (as amended by By-law No. 1238-2012) to the Owner of 260 King Street West in accordance with Sections 30.1(3) and 30.1(4) of the Ontario Heritage Act.
9. If there are no objections to the amendment in accordance with Section 30.1(6) of the Ontario Heritage Act, the City Solicitor be authorized to introduce the necessary Bill in Council to amend Designating By-law No. 512-75 (as amended by By-law No. 1238-2012).


Notwithstanding the adoption of the three Recommendations moved by way of Motion at TEYCC, due to an inadvertent error, only the six recommendations found in the original staff report were recorded as adopted by the City Clerk. Through several subsequent discussions with Heritage Preservation Services and the Councillor's Office, we understand that the remaining three Recommendations will be moved at Council by Councillor Cressy.

With respect to the Recommendations noted above, I can confirm on behalf of our client that it has no objections to the proposed amendment the correct the legal description of Designating By-law No. 512-75. Furthermore, while our client is aware of the requirement under the Ontario Heritage Act to provide notice of the amendment to the Owner of the Property and the Owner's right to object within 30 days of the giving of the notice, our client hereby waives the requirement for further notice of the proposed amendment to Designating By-law No. 512-75, as well as the right to object.

Should you have any questions respecting the above or require any further clarification, please contact my colleague, Samantha Lampert, at 416.645.4532 or [samantha.lampert@devinepark.com](mailto:samantha.lampert@devinepark.com),

Yours very truly,

**Devine Park LLP**

*PJD*  
  
Patrick J. Devine  
PJD/SHL

**cc:** Jasmine Stein, City of Toronto Legal Services, Municipal Law Division  
Mary MacDonald, Heritage Preservation Services  
Sherry Pederson, Heritage Preservation Services