

PB22.8.18

April 18, 2017

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VIA E-MAIL

Toronto Preservation Board
100 Queen Street West
2nd Floor, Suite A17
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Attention: Lourdes Bettencourt

Dear Chair and Members of the Toronto Preservation Board:

**Re: PP22.8: Intention to Designate under Part IV, Section 29
of the *Ontario Heritage Act* – 70 Lowther Avenue**

We are the lawyers for Mark Kucher, the owner of 70 Lowther Avenue, in the City of Toronto (the “**Property**”). We are in receipt of the Report dated April 6, 2017 from City Planning Services recommending that City Council include the Property on the City’s Heritage Register and state its intention to designate the Property under Part IV, Section 29 of the *Ontario Heritage Act*. Our client objects to the recommendations and asks that the Toronto Preservation Board (the “**Board**”) refuse the staff recommendations for the reasons set out below.

As the Report indicates, the Property is not included on the City’s Heritage Register. This is in contrast to many other properties in the area, including neighbouring properties such as 74 Lowther, 75 Lowther, 76 Lowther and 77 Lowther. We submit that this is because the Property has little to no heritage significance or attributes.

The proposed Reasons for Designation confirm that the Property has undergone a series of alterations since its original construction in 1901, namely:

1. the conversion from a single-detached dwelling to a multi-unit building in 1954;
2. the relocation of the main entrance from the south elevation to the north (rear) elevation in 1963;
3. the construction of an east addition and further relocation of the main entrance in or about 1967;
4. the addition of a north (rear) addition in or about 1993; and

5. the addition of a second storey to the rear addition in or about 1998.

The result of these renovations is that the building located on the Property bears little relationship to the original construction and has no meaningful relationship with the public realm. As such, listing and designation are inappropriate.

The proposed Reasons for Designation indicate that the Property is valued for its association with the historic Annex neighbourhood, but we note that the Property does not fall within the boundaries of the East Annex Heritage Conservation District.

Our client, through his designer, has been working with City Planning since February 2016 with respect to redevelopment of the Property. Throughout that time period, our client and his consultants have received repeated confirmation and assurances from City staff that the Property is not listed on the Heritage Register. Our client's applications for minor variances and consents to sever necessary to permit the proposed redevelopment are scheduled to be heard by the Committee of Adjustment on May 10, 2017. In these circumstances, the timing of the Report appears to be an attempt to thwart our client's redevelopment plans under the guise of heritage preservation.

In conclusion, our client objects to the staff recommendations and asks that the Board refuse the recommendations outright. In the alternative, any designation should be limited to a requirement that an appropriate commemorative plaque be installed as a condition of future development.

Please also accept this letter as our request to be added to the speakers' list and notice list for this matter.

Yours truly,

WeirFoulds LLP



Kim Mullin

KAM/jnb

c: Client
Mahir Manios, ManArch Design Inc.

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