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December 12, 2018
File No.: 141807.1001

By E-mail
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City Council
12th Floor, West Tower
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: City Clerk Secretariat

Dear Sirs/Mesdames:

Re: Item TE34.44 5, 7 and 9 Dale Avenue – Official Plan Amendment and Zoning Amendment Applications

Item TE34.45 Demolition of Three Heritage Properties in the South Rosedale Heritage Conservation District – 5, 7 and 9 Dale Avenue

We are counsel to the South Rosedale Residents Association (“**SRRA**”) and My Rosedale Neighbourhood (“**MRN**”). SRRA and MRN have actively participated in the City’s consideration of the official plan amendment and zoning by-law amendment applications (the “**Applications**”) for the proposed redevelopment of the properties at 5, 7 and 9 Dale Avenue which are each currently occupied by a residential building (the “**Proposal**”). The Proposal requires approval of the demolition of the three existing buildings under Section 42 of the *Ontario Heritage Act* (the “**OHA**”) since 5, 7 and 9 Dale Avenue (the “**Heritage Properties**”) are within the South Rosedale Heritage Conservation District (the “**SRHCD**”). We summarize here only some of our client’s concerns.

Our clients’ have repeatedly advised as to the issues with respect to the Proposal in numerous forums, including through submissions to the Toronto Preservation Board and Toronto and East York Community Council, and meetings with City Staff, the former Ward 27 Councillor, and the new Ward 11 Councillor.

For the reasons set out below, our client’s request that Council defer its decision on these items until Heritage Preservation Services (“**HPS**”) has completed its review of the merit of individual heritage designations of the Heritage Properties and Council has stated its intention to designate 7 Dale Avenue under Part IV, Section 29 of the *OHA*.

In July 2018, City Council considered a Supplementary Report dated July 25, 2018, from the Chief Planner and Executive Director, City Planning, with respect to a settlement offer to the City (the "**Settlement Offer**"). Our clients were excluded from all discussions between the applicant and Staff leading up to the Settlement Offer despite their continuous engagement in the planning and heritage processes related to the Proposal, including obtaining party status to the appeal of the Planning Applications to the Local Planning Appeal Tribunal.

The Supplementary Report's recommendations represent a radical departure from previous Staff recommendations that Council refuse the demolition of the Heritage Properties. The Supplementary Report does not provide a clear or indeed defensible rationale for its recommendations, given the history of this matter and HPS's position supporting the conservation of the Heritage Properties. Of particular concern is the City's neglect to continue to pursue the individual heritage designation of 7 Dale Avenue despite HPS's determination that 7 Dale Avenue meets the criteria prescribed for determining cultural heritage value under Ontario Regulation 9/06.

City Council must serve the public interest in a responsible, accountable and transparent way. It is thus incumbent on the City to undertake proper and meaningful consultation with the community when considering development that could set a dangerous precedent for SRHCD and Heritage Conservation Districts in the City of Toronto generally. A fundamental aspect of meaningful consultation is providing the public a forum to review and comment on the Proposal and any revisions proposed thereto.

For these reasons, Council ought to defer its decision on the Proposal until Staff have completed their study of the Heritage Properties and Council has stated its intention to designate 7 Dale Avenue under Part IV, Section 29 of the *OHA*.

Our clients remain committed to preserving the heritage character of the SRHCD and are pursuing all available measures including a recommendation to the Minister of Tourism, Culture and Sport to excise its authority to designate 7 Dale Avenue as provincially significant heritage property under Part IV, Section 34.5 of the *OHA*.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Proposal will be considered, and we ask to be provided with notice of Council's decision with respect to these items.

Yours truly,



Calvin Lantz
CWL/KO



Peter Howard

c. Councillor Mike Layton (Ward 11)
Alexander Suriano (City of Toronto, Legal Services)
Mary MacDonald (Heritage Preservation Services)
Clients