



July 4, 2012

Toronto Preservation Board
City of Toronto
Toronto City Hall
12th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

sleisk@casselsbrock.com
tel: 416.869.5411
fax: 416.640.3218
file # 230-5

Attention: Margaret Sexton, Committee Secretary

Dear Sirs/Mesdames:

**Re: Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act
- King Street East Properties**

We are the solicitors for the owners of 71-95 King Street East (the "Subject Lands") in the City of Toronto. The Subject Lands are not listed by the City of Toronto.

The Subject Lands are comprised of five lots under separate ownership on the south side of King Street East, between Leader Lane and Church Street, which currently contain mixed-use buildings ranging from four to five storeys.

On March 29, 2012, a rezoning application was submitted to redevelop the Subject Lands for a mixed-use development consisting of a 47 storey residential tower above a four storey podium. The design of the proposed development anticipates an appropriate treatment and use of the heritage character of the existing mixed-use buildings. The Albany Club intends to remain and expand within the proposed development.

Our clients are committed to the protection of relevant heritage attributes of the Subject Lands but further work is required to properly identify and assess the heritage attributes of each building as significant modifications to the buildings have altered these attributes over time. Our heritage consultant has advised that additional detailed study is required to confirm the historical features of the facades and varying layers of heritage as the facades have been modified and evolved over time. We are also concerned with the identification of the dining hall within the interior of 91 King Street East (Albany Club). The designation of the interior is a highly intrusive proposal since such designations are commonly confined and restricted to public buildings. The Albany Club is a private club and designation of interior space is inappropriate.

In addition, several of the buildings on the Subject Lands have considerably deteriorated and require further engineering analysis to assess and implement an appropriate conservation strategy.

The consideration of the appropriateness of designating the Subject Lands is premature without such additional in-depth study and should be considered as part of the comprehensive planning application in which the protection and preservation of heritage resources will be determined in consultation with staff. We are therefore requesting a deferral of the proposed designation in order to potentially refine and ensure the accuracy of the relevant heritage attributes and reasons for designation. As our client continues to work through the public consultation process and refine the development proposal, a deferral will provide our client with time to consider and discuss all options with City staff, the community and the local councillor.

We would support a resolution of the Toronto Preservation Board that defers this matter and directs such consultation to occur. This course of action would be in the interest of all parties, including the City, as it would potentially eliminate a potential objection and appeal to the Conservation Review Board while ensuring that the identification of heritage attributes and any reasons for designation are accurate and supportable. If a deferral is granted, our clients are prepared to provide the City with an undertaking not to seek demolition of the Subject Lands without reasonable notice to the City. In any event, there are a number of active ongoing businesses operating from the Subject Lands and therefore any concern that the City may have with demolition of the buildings is unwarranted.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,
Cassels Brock & Blackwell LLP



Signe Leisk

SL/bd

cc: Councillor Pam McConnell
Clients