

# STIKEMAN ELLIOTT

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**BY E-MAIL**  
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October 12, 2012  
File No.: 133315.1001

Chairman and Members  
Planning and Growth Management  
Committee  
City of Toronto  
10th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Merle MacDonald, Committee Administrator, City Clerk's Department

Dear Sirs/Mesdames:

**Re: Planning and Growth Management Committee  
Agenda Item PG18.2 - October 12, 2012  
Statutory Public Meeting for Official Plan Five Year Review:  
Official Plan Amendment to Adopt New Heritage and  
Public Realm Policies  
Redpath Sugar Ltd.**

We represent Redpath Sugar Ltd. ("Redpath"), the landowner and operator of the sugar refinery located at 95 Queens Quay East, Toronto (the "Property"). We understand that the statutory public meeting for the above-noted item is being held at the October 12<sup>th</sup>, 2012 Planning and Growth Management Committee meeting and we are taking this opportunity to submit our client's comments for your consideration.

The Property is currently listed on the City's Heritage Register (formerly the Heritage Inventory) with the reasons given for the listing being:

Redpath Sugar Refinery; 1957, H.G. Acres & Co Ltd. -  
Engineers, and Gordon S. Adamson Associates - Architects  
-adopted by City Council on June 25 & 28, 1984.

While the entire Property on the Heritage Register, only the 1957 refinery building is listed as being of heritage importance. There are many other buildings and structures on the Property, however, including: an office building; a security

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building; building "D"; a workshop building; a steam plant; a char house building; a building for oil storage; a building for liquid sugar blending; a building for liquid sugar loading; molasses silos; a bag storage, museum, and service garage building; a raw sugar storage shed; a packaging building; a refined sugar warehouse and other miscellaneous buildings and structures.

### **"Alteration" is Too Broadly Defined**

Redpath is concerned about the vagueness of the definition of "alteration" in proposed draft Official Plan Amendment No. 199, how the term is used in proposed Heritage Conservation replacement policy 3.1.5 to trigger certain requirements, and the fact that such policy requirements are unduly onerous for industry, contrary to the Provincial Policy Statement, the Provincial Growth Plan and the City of Toronto Official Plan.

Proposed draft Official Plan Amendment No. 199 ("OPA 199") defines alteration as:

Alteration: is any change to a property on the Heritage Register, in any manner including its restoration, renovation, repair or disturbance.

OPA 199, Section 3.1.5.4 states:

The impacts of proposed *alterations*, development, and/or public works on, or adjacent to a property on the Heritage Register will be assessed to ensure that the integrity of the heritage property's cultural heritage value and attributes will be conserved, prior to work commencing on the property, to the satisfaction of the City. This assessment will be achieved through a Heritage Impact Assessment. [emphasis added]

Section 3.1.5.20 states:

A Heritage Impact Assessment will evaluate the impact of a proposed *alteration* to a property on the Heritage Register, and/or the impact of the proposed development of a property adjacent to a property on the Heritage Register, to the satisfaction of the City. [emphasis added]

And Section 3.1.5.26 states:

The *alteration* of a property on the Heritage Register may be approved if it has been determined by the City that the *alteration* will not negatively affect the cultural heritage values and attributes of the property. [emphasis added]

Accordingly, "any change" to the Property "in any manner" will be considered an alteration for which a Heritage Impact Assessment will be required according to OPA 199 Section 3.1.5.4. The current definition of "alteration" in OPA 199 will classify routine building repairs or the replacement of a piece of equipment on the Property as an "alteration". The broad definition of the term "alteration" results in unworkable requirements under OPA 199 for Redpath.

### **Requirements for Heritage Impact Assessments are Too Onerous for Industries**

The requirement for a Heritage Impact Assessment may not be a significant undertaking for residential or commercial properties where alterations are typically undertaken in conjunction with development applications, but industries are regularly maintaining and updating, modifying, adapting, adding and improving their equipment, processes, structures and buildings. According to OPA 199, all such changes to an industrial property on the Heritage Register will be "alterations" for which a Heritage Impact Assessment is required, which the City must approve before the alterations can be undertaken. OPA 199's requirements for industries located on properties listed on the Heritage Register are unduly onerous because of how broadly the term "alteration" is defined.

### **OPA 199 Policies are Contrary to Provincial Policy and the Official Plan**

Industries must maintain their equipment, processes, structures and buildings and must respond quickly to market forces - having to undertake a Heritage Impact Assessment every time there is a proposed "alteration" is onerous and contrary to the Provincial Policy Statement 2005, the Provincial Growth Plan and the City of Toronto Official Plan, as the economic function of all industrial properties listed on the Heritage Register will be severely undermined.

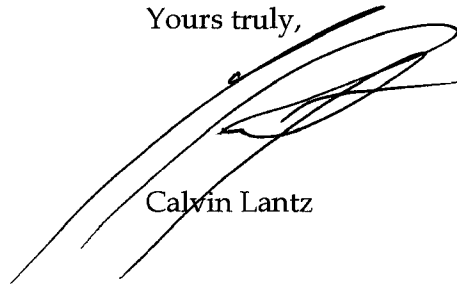
### **Summary**

The term "alteration" is too vague when applied to industrial properties that are listed in the Heritage Register given how onerous OPA 199 policies are in relation to any such alterations. Proposed OPA 199 policies will impair the viability of existing industries on properties listed in the Heritage Register and will make listed industrial properties unattractive for new investment.

For these reasons and for others that we may raise in the future, OPA 199 is problematic as it relates to the Property and all other industrial lands in the Heritage Registry.

We trust that you will find the above to be of assistance in your consideration of this matter. Should you have any questions or require any further information please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Calvin Lantz', written over a set of horizontal lines.

Calvin Lantz

CWL/nla

cc. Jonathan Bamberger, Redpath Sugar Ltd.  
Phil Guglielmi, Redpath Sugar Ltd.