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October 11, 2012

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File No.: 548702-1

**VIA EMAIL**

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

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

Dear Sirs/Mesdames,

**RE: Planning & Growth Management Committee  
Agenda Item PG18.2 - October 12th, 2012  
Statutory Public Meeting for Official Plan Five Year Review: Official Plan  
Amendment to Adopt new Heritage and Public Realm Policies**

We represent 147 Church St. Holdings Inc., (hereinafter referred to as "CSH") the owner of the properties municipally known as 133 Church Street and 147-149 Church Street in the City of Toronto (hereinafter referred to as the "Properties").

We understand that the Planning & Growth Management Committee will be considering the above-noted item at its meeting on October 12th, 2012 in fulfillment of the City's statutory obligations to hold a public meeting with respect to this item and we would like to take this opportunity to submit our client's comments for your consideration.

The Properties are located on the east side of Church Street, north of Queen Street East, and south of Shuter Street. To the west of the Properties across Church Street is the Metropolitan United Church which is a designated property and considered a landmark building pursuant to the *Ontario Heritage Act* (the "OHA"). North of the Properties on the east side of Church Street is the former Athenaeum Club at 167 Church Street which is also designated under the OHA. Although the designating by-law for the latter property is for a single municipal address, the City's Heritage Registry indicates the designating by-law also applies to the properties municipally known as 159, 161, 163, and 169 Church Street.

CSH is concerned that the proposed Public Realm policy 3.1.1.9 with respect to maintaining, framing and creating public views to landmark buildings is sufficiently vague and arguably overreaching that the redevelopment of the Properties at some point in the future is put in question. Furthermore, CSH is concerned that the entirety of the proposed Official Plan Amendment may not be consistent with the Provincial Policy Statement 2005 policies with respect to settlement areas being the focus of growth and intensification including the Downtown Toronto area which should be the focus of significant growth and intensification.

CSH appreciates the City must update its Official Plan as a part of its statutory obligations under the *Planning Act*. Nonetheless, CSH is concerned that the OHA statutory regime, which establishes clear rules regarding the conservation of cultural heritage resources, is being extended beyond its proper scope with the highly subjective policies that are included in the proposed Official Plan Amendment.

We trust that you will find the above to be of assistance in your consideration of this matter. Should you have any questions, please contact the undersigned at 416.863.4786.

Yours truly,  
**Fraser Milner Casgrain LLP**



Jason Park  
JIP/MAP/ss

c.c. 147 Church Street Holdings Inc. (by email)

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