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December 19, 2012

**DELIVERED**

Our File #114536

Planning and Growth Management Committee  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

**Attn: Merle MacDonald, Committee Administrator**

Chair and Members of Planning and Growth Management Committee:

**Re: Official Plan Amendment to Adopt New Heritage Policies  
Proposed Official Plan Amendment No. 199  
628 Church Street**

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We act on behalf of Promocentives Inc., the registered owner of the property municipally known as 628 Church Street, in the City of Toronto (the "Property"). The Property is a listed heritage property and is also surrounded by properties which are listed in the City's Heritage Registrar. As such, our client has a direct interest in the proposed official plan amendment with respect to the proposed heritage policies.

We are writing to express our client's concerns regarding the proposed heritage policies contained in OPA 199. In particular, our client objects to the following proposed policies and definitions:

*Heritage Impact Assessment Policies #25, 26, 27 and 28*

25. New construction on, or adjacent to, a property on the Heritage Register will be designed to protect the cultural heritage values, attributes and character of that property and to minimize visual and physical impact on it, including considerations such as scale, massing, materials, height, building orientation and location relative to the heritage property.

26. 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.

27. Where it is supported by the cultural heritage values and attributes of a property on the register, the conservation of whole or substantial portions of, buildings and structures on those properties is desirable and encouraged. The retention of facades alone is discouraged.

28. Heritage buildings and/or structures located on properties on the Heritage Register should be conserved on their original location, however a heritage building or structure on a property on the Heritage Register may be relocated within its property where:

- a) the heritage building or structure is not attached to or adjoining another building or structure;
- b) the specific location, orientation or situation of the heritage building is not identified as a cultural heritage value or attribute of the property, or an adjacent property;
- c) the building or structure is not a landmark, or the subject of a view identified in the Official Plan or a designating bylaw;
- d) the heritage building or structure will not be re-oriented from its original or significant orientation to face another street, right-of-way, or direction;
- e) the heritage building or structure is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed;
- f) the relocation on site does not conflict with any other Heritage Conservation District plans;
- g) a Heritage Conservation Plan is submitted that demonstrates that the removal and relocation of the building or structure within its existing property will not pose any physical risk to the heritage building and/or structure, its cultural heritage values and attributes, to the satisfaction of the City; and
- h) these and any other related conditions are secured in a Heritage Easement Agreement prior to removal and relocation on site.

### *Definitions*

***Adjacent:*** shall refer to those lands adjoining a property on the Heritage Register and lands that are separated from a property on the Heritage Register by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, green space, park and/or easement, or an intersection of any of these; or, as otherwise defined in a heritage Conservation District Plan adopted by by-law.

It is our client's position that the proposed OPA 199, and in particular, the aforementioned draft policies, may arbitrarily limit any future intensification of the above-noted property.

The City's Official Plan encourages intensification in areas located in the Downtown, and in particular, areas that are designated Mixed Use Areas, Employment Areas, Regeneration Areas and Apartment Neighbourhoods. The Property is designated Mixed Use Areas.

In our submission, and recognizing all the policies of the Official Plan, there should be a more appropriate balance struck between the protection of heritage resources and the intensification opportunities for properties in an area of the City which is designated for growth.


We recognize the importance of the preservation of heritage resources in the City. Our client, however, objects to the policies which are vague and unclear and where their intended meaning is open to debate and to policies, such as policies 27 and 28 in particular, which would severely and, in some cases arbitrarily, compromise the future development potential of the subject lands as well as other lands in the immediate area. In our submission, this approach to the conservation of heritage resources is neither reasonable nor appropriate and in our view a more balanced approach to land use planning can be achieved.

Lastly, we kindly request that the undersigned be added to the list of individuals to be notified of any public meetings/open houses, statutory public meetings, the release of any reports or any consideration being made by City Council or Committees of Council in connection with the above-noted official plan amendment. Please also include the undersigned on the list of individuals to receive notice of the passage of any Official Plan Amendment associated with heritage policies.

Should you require any further information, please do not hesitate to contact the undersigned. Thank you for your attention to this matter.

Yours truly,

AIRD & BERLIS LLP



Antonia J. Loiacono  
S/L

cc: K. Voumvakis, City of Toronto  
Ulli Watkiss, City Clerk  
Client  
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