



August 10, 2012

Delivered by Email

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Dear Mr. Bain

**Re: City of Toronto (the "City") Official Plan Review
Policies to Protect the Wychwood Park Heritage Conservation District**

Marc Kemerer
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We represent the Wychwood Park Ratepayers Association (the "Association"). The Association is in the process of reviewing the heritage policies proposed in the 24 May 2012 City Staff Report "Official Plan Five Year Review - Proposed Heritage Policies". Consistent with this framework of conservation and preservation, we are writing to request that the City include Wychwood Park (the "Park") in the new Official Plan as an Area of Special Identity.

Background

As you know, the Park is a jewel in the City of Toronto, a significant cultural heritage landscape that its residents, City staff and others have worked tirelessly to protect, particularly through the research, approval and implementation of the heritage documents governing development in the Park.

This regulation began when, after comprehensive study and much neighbourhood consultation, the Wychwood Park District Conservation Plan (the "Plan") was approved by the Ontario Ministry of Culture in August of 1983. On 21 May 1985, Council passed By-law 481-25 designating the Park as a heritage district. That By-law was approved by the Ontario Municipal Board (OMB) on 17 March 1986. The Plan was amended in 1994 after a similarly thorough process and approved, in this amended form, by Toronto City Council ("Council") in May of that year.

To provide an extra layer of protection for the Park, Council, at its meeting of 29 April 1996, adopted Official Plan Amendment No. 54 (OPA 54). OPA 54, a copy of which is attached hereto, established the Park as an Area of Special Identity and required that any development in the Park had to be in accordance with the Plan.

Subsequent to the approval of the Plan and the adoption of OPA 54, the City approved a new Official Plan for the amalgamated City which inadvertently left OPA 54 out of the Official Plan. It no longer exists.

This omission was evident during the fight against the development application made by Tsur Moses in 2008 to demolish 106 Wychwood Park and construct two faux Tudor houses in its place. City staff advised our client that they were reluctant to oppose this application as they did not have the tools necessary to successfully defend Wychwood Park's unique character at the OMB.

In responding to the need to better protect the Park, Council, in considering the Planning staff Direction Report for 106 Wychwood Park at its meeting of 6 April 2009, directed that the Chief Planner "retain an outside heritage consultant, if funds become available, to update and strengthen the [Plan], within one year" (the "Council Direction"). We are not aware that any action was taken by the City Planner on the Council Direction, rather the matter appears to have slipped through the cracks. This is particularly unfortunate as the funding for the Council Direction was available through section 37 Planning Act monies.

Requests

As noted above, we are requesting, on behalf of the Association, that City Council incorporate an updated version of OPA 54 into the new Official Plan through the Official Plan Review process currently underway. Including the Park as an Area of Special Identity would be consistent with the proposed Heritage Policies and the Council Direction.

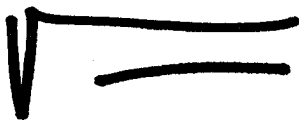
We would further request that you meet with us in September 2012 to discuss the ways in which this can be best accomplished. Could you please provide dates when you would be able to meet with the Association on this matter.

We finally request, on behalf of the Association, that the Association be consulted on, and notified of, further amendments to the Official Plan through the review process.

Thank you in advance for your consideration of our requests.

Yours very truly,

Blaney McMurtry LLP

A handwritten signature in black ink, appearing to read 'MK', with a horizontal line extending to the right.

Marc Kemerer

MPK/mk

c. Client

Councillor Joe Mihevic

Greg Lintern, Acting Chief Planner

No. 1996-0220. A BY-LAW

To adopt an amendment to Section 19 of the Part I Plan in respect of Part II of the Official Plan for Bathurst-St. Clair respecting Wychwood Park.

(Passed April 29, 1996.)

WHEREAS Council, at its meeting held on the 29th day of April, 1996, adopted Clause 13 of Land Use Committee Report No. 6;

THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. The text and maps annexed hereto as Schedule "A" are hereby adopted as an amendment to Section 19 of the Part I Plan in respect of Part II of the Official Plan for Bathurst-St. Clair.
2. This is Official Plan Amendment No. 54.

BARBARA HALL,
Mayor.

BARBARA G. CAPLAN
City Clerk.

Council Chamber,
Toronto, April 29, 1996.
(L.S.)

SCHEDULE "A"

1. Section 19.31 of the Part I Plan, being Part II of the Official Plan for Bathurst-St. Clair, is amended by:
 - (1) Adding the following sentence at the end of Section 2.5:

"Areas designated Open Space and Natural Area on Map A are subject to the policies contained in Sections 2.29, 2.30, 2.32, 4.1 and 4.8 of the Part I Plan."
 - (2) Adding to the title of Section 8, following the term "Casa Loma Preservation Area" the words and punctuation ", Wychwood Park Area of Special Identity".
 - (3) Adding a new Section 8.5 as follows:

"Wychwood Park Area of Special Identity

8.5 Wychwood Park is a residential enclave dating to 1874 which is significant for its architecture, its historical development as a planned community and its natural and picturesque landscape design.

It is the policy of Council that the existing buildings and landscapes in Wychwood Park be conserved, preserved and enhanced. Therefore, it is the policy of Council that any new development within the area shown as the Wychwood Park Area of Special Identity on Map A attached to and forming part of this Plan shall be in accordance with the Wychwood Park Heritage Conservation District Plan, as amended from time to time."
 - (4) Deleting Map A attached to and forming part of Section 19.31 and substituting therefor a new Map A attached hereto.