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TE28.2.1
TE28.3.1

November 13, 2013

File No.: 530474-3

DELIVERED

Chair and Members of Toronto and East York Community Council
c/o City Clerk's Department
City of Toronto
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ms. Ros Dyers,
Committee Administrator

Dear Chair Fletcher and Members of Community Council:

RE: Item No. TE28.3
- Demolition of Four Designated Heritage Properties
- Nos. 266, 276, 284 and 322 King Street West
- Request to Follow Proper Procedure

Please be advised that we are solicitors for the property owner regarding the properties which are the subject of the above-noted item. Before you is a report from City staff dated October 22, 2013, which report was before Toronto Preservation Board at its meeting on Tuesday, November 5, 2013. For a good reason, as will be detailed in my submissions below, that report was deferred to the next meeting of Toronto Preservation Board. For the reasons set out below, the recommendations contained in the October 22, 2013 report are not appropriate and, accordingly, should be deferred indefinitely by the Toronto Preservation Board.

The following are the submissions that I had intended to make to Toronto Preservation Board before the matter was deferred:

1. At Page 3 of the report dated October 22, 2013, you will see reference to Section 34(1) of the *Ontario Heritage Act*. Paraphrasing the wording, it states that no one can demolish a designated heritage building "unless the owner applies to Council . . ." (emphasis added) and receives Council's consent under this Section;
2. In this case, no such applications have been made. Indeed, the City has specific forms that are required to be used, together with an instructions sheet issued by Heritage Preservation Services. In this case, no such forms were filled out and no such applications have been submitted;

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3. This was quite deliberately done. That is because the applications for demolition only make sense in the context of the proposed redevelopment project and the rezoning application which is the subject of a Report contained in Item No. TE28.2. Therefore, it is important that there be a determination on the rezoning application before proceeding with the Section 34 *Ontario Heritage Act* applications;
4. While Heritage Preservation Services is perfectly entitled to express its opinion on the rezoning application from a heritage perspective (which it has done in its report dated October 22, 2013), it would not be proper for either Toronto Preservation Board, Toronto and East York Community Council or City Council to adopt the recommendations at the top Page 2 of the report;
5. Not only would it be premature to do so, but it could be seen as pre-judging the applications before they are even submitted; and
6. Accordingly, in these circumstances, the appropriate action is for Community Council to not adopt the recommendations but to receive for information purposes the report dated October 22, 2013.

Should anyone have any questions as the basis for my request, kindly contact the writer at your earliest convenience.

Yours very truly,

Dentons Canada LLP

Patrick J. Devine

PJD/mp

cc: Councillor Adam Vaughan