



HENEIN HUTCHISON LLP
BARRISTERS

TE 28.15.1

VIA FACSIMILE: (416) 397-0111

November 15, 2013

Ms. Rosalind Dyers, Secretariat
Toronto and East York Community Council
2nd Floor, West, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

AND TO

Ms. Ulli S. Watkiss, City Clerk
Toronto City Clerk's Office
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

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CITY CLERK'S OFFICE
SECRETARIAT 2ND FLOOR
2013 NOV 18 PM 3 00

Dear Ms. Dyers and Ms. Watkiss:

RE: Item TE 28.15 – Proposed Inclusion of 263-265 Queen Street East on the City of Toronto Inventory of Heritage Properties

We are the solicitors for 2235434 Ontario Limited and its sister company 2235441, the owner of the above noted properties. On November 13, 2013, they received a letter, dated November 7, 2013, advising them of the decision taken by the Preservation Board to recommend the inclusion of their properties on the City of Toronto Inventory of Heritage Properties. On November 14, 2013, they received a letter, dated November 8, 2013, advising them of the item's inclusion on the agenda of the Toronto East York Community Council meeting on November 19, 2013.

As we have indicated in the attached letter to the Preservation Board, the meeting of the Preservation Board took place without any notice to the owners of the property and in circumstances that make it apparent that the properties are now being proposed for listing for an improper purpose related to pending litigation between my client and the City.

My clients have only just been made aware of the City's proposal to include their properties on the Inventory, only two clear working days before the Toronto and East York Community Council's scheduled discussion of the proposal on November 19, 2013. Given my clients' significant interest in the outcome of the proposal, they are entitled to be heard and to be given adequate notice of the issues and any supporting evidence in order to prepare a response. Two clear working days is a grossly inadequate and unreasonable amount of time given the issues raised and my clients' vital interest in the outcome.

We ask that any consideration of the matter by the Community Council be deferred or adjourned to a later date in order to permit my clients to prepare an adequate response. Lest there be any misunderstanding, we insist on our right to make a meaningful presentation to the Community Council and, like any other party, require a reasonable opportunity to prepare. Basic principles of fairness require no less.

If, contrary to the position set out here, the matter is to remain on the agenda, please advise me immediately.

I look forward to your response.

Yours truly,

HENEIN HUTCHISON LLP

per Scott C. Hutchison

SH/kh

Encl.

cc. Mr. Geoffrey Uyeno, Prosecutor, City of Toronto Prosecutions,
by fax no. (416) 338-6986



HENEIN HUTCHISON LLP
BARRISTERS

VIA FACSIMILE: (416) 397-0111

November 14, 2013

Ms. Ulli S. Watkiss, City Clerk
Toronto City Clerk's Office
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

AND TO

Ms. Janette Gerrard, Secretariat
Toronto Preservation Board
City Hall, 2nd Floor, West
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Ms. Watkiss and Ms. Gerrard:

**RE: Proposed Inclusion of 263-265 Queen Street East on the City of
Toronto Inventory of Heritage Properties**

We are the solicitors for 2235434 Ontario Limited and its sister company 2235441, the owner of the above noted properties. They recently received the attached information letter advising them of the decision taken by the Preservation Board.

This meeting of the Board took place without any notice to the owners of the property and in circumstances that make it apparent that the properties are now being proposed for listing in an act of retaliation by the City and for an oblique purpose of intimidating the owners.

The owners and their contractor are presently defending charges in relation to adjacent properties which they demolished after being told by City officials they could do so pursuant to a valid building/demolition permit. The timing of the proposed listing makes it apparent that the present maneuver is intended to intimidate 2235434 Ontario Limited in its defence and to provide the prosecution with a position of advantage in that litigation. I can assure you that

2235434 Ontario Limited will continue to defend the pending charges and will ensure that the Court is aware of the City's conduct. Put simply the present move to try to include this building on the City of Toronto Inventory of Heritage Properties is abusive and will be shown to be such at the appropriate time.

In the meantime my client will consider its position and take all necessary steps to protect its procedural and substantive rights in this process.

Yours truly,

HENEIN HUTCHISON LLP

SH/kh
Encl.

per Scott C. Hutchison

cc. Mr. Geoffrey Uyeno, Prosecutor, City of Toronto Prosecutions,
by fax no. (416) 338-6986



City Clerk's Office

Secretariat
Janette Gerrard
Toronto Preservation Board
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Toronto, Ontario M5H 2N2

Uli S. Watkiss
City Clerk

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November 7, 2013

To: Toronto and East York Community Council

From: Toronto Preservation Board

Subject: Inclusion on the City of Toronto Inventory of Heritage Properties – 263-265 Queen Street East

Recommendations:

The Toronto Preservation Board recommends to Toronto and East York Community Council that:

1. City Council include the property at 263-265 Queen Street East on the City of Toronto Inventory of Heritage Properties.

Background:

The Toronto Preservation Board on November 5, 2013, considered a report (October 22, 2013) from the Acting Director, Urban Design, City Planning Division, respecting Inclusion on the City of Toronto Inventory of Heritage Properties – 263-265 Queen Street East.

For City Clerk

J. Gerrard

c. Interested Persons

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PB26.7>