

AIRD & BERLIS LLP

Barristers and Solicitors

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November 3, 2015

Our File No.: 113135

BY EMAIL

Toronto Preservation Board
City of Toronto
100 Queen Street West
2nd Floor
Suite A16
Toronto, Ontario
M5H 2N2

Dear Chair and Members of the Toronto Preservation Board:

**Re: Toronto Preservation Board Item No. PB9.6
Intention to Designate: 150 Laird Drive**

Please be advised that Aird & Berlis LLP represents V!VA Retirement Communities (“V!VA”), the proponent of a development application for the above noted property, located on west side of Laird Drive between Markham Avenue and McRae Drive. The site is owned by Invar Building Corporation which has authorized V!VA to make submissions on its behalf.

We write in respect of the October 16, 2015 staff report related to the proposed designation of this property.

It is our client’s request that the designation not proceed at this time for the reasons below.

As is indicated in the staff report, the property and the neighbouring site at 146 Laird Drive, is the subject of a rezoning application, submitted in May, 2014.

The development proposal has always anticipated the retention in situ and the incorporation of portions of the former Durant Motors of Canada Ltd. building including the east side, portions of the north and south side walls, and the historic front yard landscape, with some modification, as part of the second phase of the development.

Our client has appealed the rezoning application to the Ontario Municipal Board (“OMB”) and a two week hearing is scheduled to take place in February and March, 2016. Despite this pending appeal, our client has indicated it remains open to working with staff to

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address their comments, particularly with respect to the retention of the heritage attributes on 150 Laird Drive.

As the Board will be aware, the property at 150 Laird Drive is currently on the City's Inventory of Heritage Properties. Accordingly, any application for demolition filed in respect of the property would be subject to the provisions of s. 27 of the *Ontario Heritage Act* and the City would have notice of the application and adequate time to bring forward a designating by-law. More to the point, the building is currently tenanted and our client has given no indication it intends to commence demolition of the building in advance of determination on its development applications. Our client is prepared to give an undertaking to that effect to the Board as illustrative of its good faith interest in continuing its discussions with the City.

In our view, a deferral of the designation process at this time, in the context of the assurances provided above, is beneficial to both parties and addresses the public interest in ensuring a fair designation process with adequate protection for the property during that process. Moreover, a deferral will allow for the appropriate terms of designation – including the articulation of heritage attributes – to be negotiated and secured as part of the development process as opposed to a contested hearing on the merits of designation.

We will be in attendance at the Toronto Preservation Board meeting on November 5th and will be pleased to answer any questions which the Board may have of our clients in respect of this request.

Yours truly,

AIRD & BERLIS LLP



PER

Eileen P. K. Costello
EPKC

c: Client

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