
AIRD & BERLIS LLP

Barristers and Solicitors

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April 20, 2016

VIA EMAIL

Toronto Preservation Board
2ND Floor, West Tower
City Hall
100 Queen Street West
Toronto, Ontario
M5H 2M2**Attention: Lourdes Bettencort**

Dear Chair Rieger and Members of the Toronto Preservation Board:

**Re: Toronto Preservation Board
Item PB14.6 – Intention to Designate under Part IV, Section 29 of the
Ontario Heritage Act – 260 High Park Avenue**

Please be advised that Aird & Berlis LLP has been retained by the owner of lands municipally known as 260 High Park Avenue, City of Toronto. We are in receipt of the recommendations from the City Planning Division recommending that City Council state its intention to designate the property pursuant to Part IV, Section 29 of the *Ontario Heritage Act* (OHA).

The purpose of this letter is to advise you that our client objects to the staff recommendation for the reasons set out below. Instead, our client requests that the Toronto Preservation Board refuse the staff recommendation outright or defer consideration of this matter until later in the planning process.

We have reviewed the March 30, 2016 staff report and the proposed Reasons for Designation. As the report references, the property at 260 High Park Avenue has been listed on the City of Toronto inventory since 1990. The property was sold last year and is now the subject of a development application by our client. The fact of the sale is the rationale provided by staff for proceeding with the designation at this time.

In our respectful submission, nothing which has occurred since the purchase of the site by our client gives rise to a need for designation at this time. To the contrary, our client's actions to date demonstrate a clear recognition of the important heritage resource on the property and the need for consideration of that resource to be paramount in the planning process associated with the restoration and adaptive re-use of the property. By way of example, our client only filed its application for rezoning and site plan in February, 2016.

This was more than 6 months following the purchase of the site. The first steps taken by our client were to meet with City staff (in June, 2015) for an introductory meeting, followed by more detailed meetings in October and November of 2015, including on-site meetings with staff from Planning, Urban Design and Heritage Preservation Services. Following staff direction, our client retained ERA Architects early in the process to undertake a Heritage Impact Assessment (HIA) to consider the appropriate approach to redevelopment on the property.

Additionally, and throughout the process, our client has met with Councillor Doucette, with local representatives of the business community (the Junction BIA) and heritage advocates, as well as immediately adjacent neighbours.

Our client has been transparent throughout the process to date that it intends to maintain the majority of the existing sanctuary on the property but that there will be alterations required of the “Sunday School” annex in order to facilitate the adaptive re-use of the property for residential uses. In our submission, portions of the property can be considerably improved upon particularly, but not limited, to the existing parking lot which has little in the way of a compatible relationship to the adjoining residential properties.

We note that our client has not sought to alter or demolish the building on the property to date and is prepared to provide an undertaking that no such applications will be sought during these early stages of the planning process. Indeed, we would note that as the building is listed pursuant to Part IV of the OHA, no demolition permit would be issued without the City being provided with appropriate notice and an opportunity to bring forward a Notice of Intent to designate. However, as indicated by our client’s actions to date, no such actions are anticipated.

Our client’s application is very early in the evaluation process, and we understand that a community consultation meeting will be organized for May of this year. Setting out the Reasons for Designation now, in our view, is premature in that it prevents a meaningful dialogue with heritage preservation staff and the community with respect to the heritage attributes of the property. Additionally, as the Reasons for Designation make specific reference to certain interior elements – an approach which is not common – my client and its consultants wish to better understand the rationale for and implications of this approach by staff.

Importantly, our client did retain ERA Architects solely in its design process to undertake a HIA for the property. Our client has committed to be guided by that HIA and its retention of such a well-known and established heritage architectural practice in the City of Toronto so early in the process is a clear indication of the respect which it has for the heritage resources on the property.

In closing, our client objects to the proposed Part IV designation at this time due to issues of prematurity, a lack of need as there is no risk to the property as well as specific inclusions of interior elements in the Reasons for Designation. Our client remains

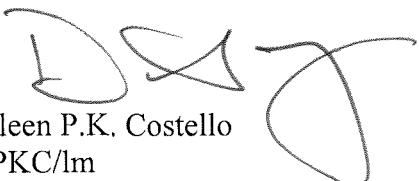
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committed to working with City staff and the community on the evaluation of the project. We respectfully request that the Toronto Preservation Board: (i) defer this item until a more reasonable time in the planning process so as to allow our client to continue its dialogue with staff and the community; and (ii) in any event, not proceed with the staff recommendation to designate the property at 260 High Park Avenue pursuant to Part IV of the OHA at this time.

Yours very sincerely,

AIRD & BERLIS LLP


for: Eileen P.K. Costello
EPKC/lm

c: Client
ERA Architects, Phil Evans

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