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December 6, 2016

**Ronald Kanter**  
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**By Email**

Chair & Members,  
Toronto Preservation Board  
100 Queen St. W.  
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**Tanyka Thomas, Assistant**  
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**RE: PB 19.5: Arya Niggeh re 246, 250 & 252 Sherbourne Street & Garden District  
Heritage Study**

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We are writing further to our letter to Ms. Anson Cartwright of Toronto Heritage Preservation Services dated November 18, 2016, which has not received a response.

Our client objects to the inclusion of the above noted properties which he owns ("246-252 Sherbourne") within the draft Garden District Heritage Conservation District Plan (the "Plan"). As shown on a Map of "Contributing Properties" contained in the Sherbourne St. Sub-Area, attached, the 246-252 Sherbourne properties are generally surrounded by non-contributing properties.

On behalf of our client, I also object to a Report from the Chief Planner dated November 24, 2016 accompanying this agenda item. According to the Chief Planner's Report, Recommendation 3:

"If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, City Council direct the City Solicitor to appear before the Ontario Municipal Board to defend the By-law."

In my view, this Report completely negates your role as a body that Council is obliged to consult with respect to the Plan, pursuant to Section 41.1 (c) of the *Ontario Heritage Act*. If the City Planner has predetermined her position on the Plan, prior to and without regard to considering any submissions on the Plan raised at the Toronto Preservation Board, your Board cannot fulfill its statutory role as:

"A municipal heritage committee to advise and assist the council (emphasis added) on matters relating to [Parts IV & V of the Ontario Heritage Act]".

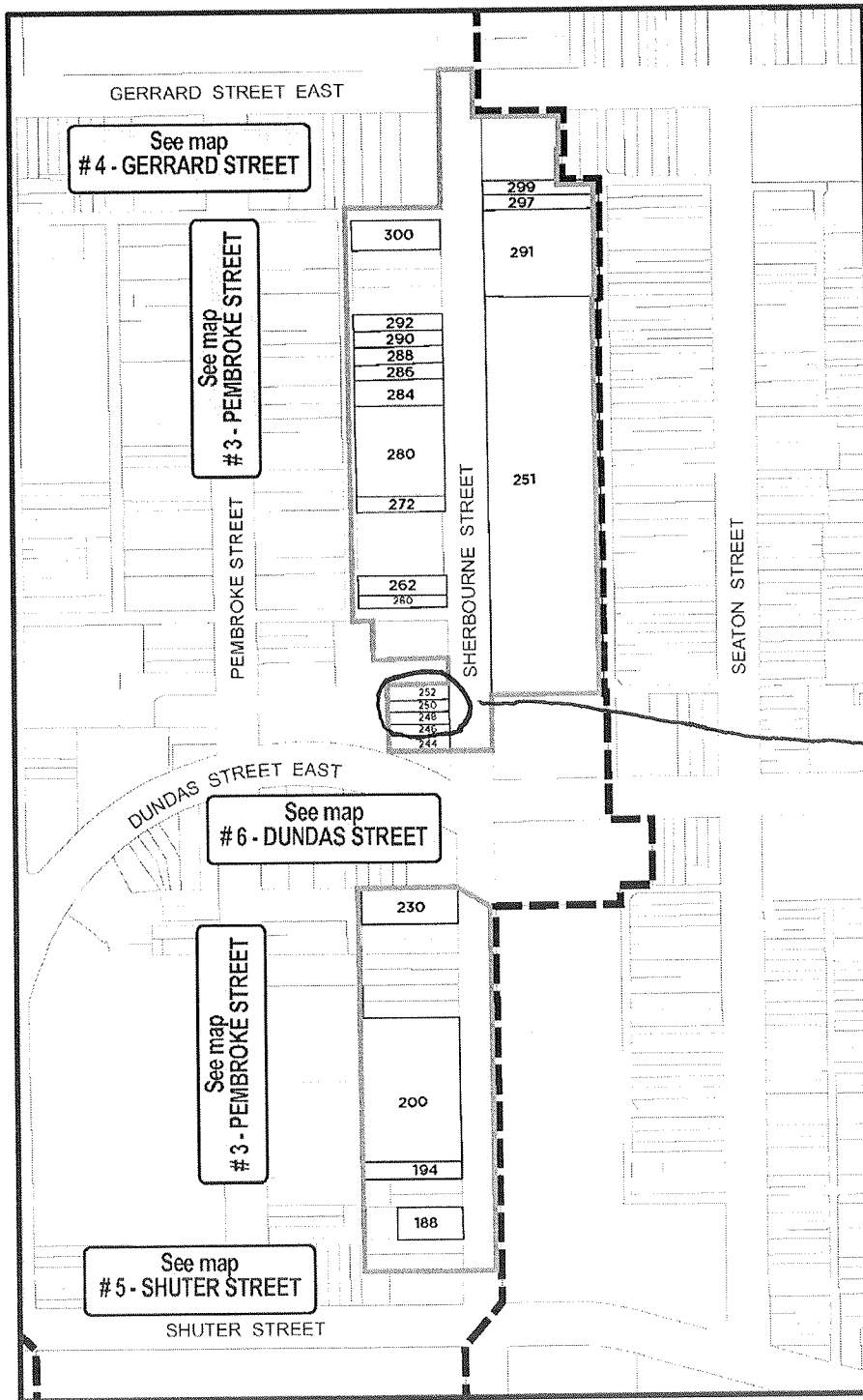
I also continue to object to scheduling a hearing concerning the Plan at Toronto & East York Community Council on January 17, 2017, at the very same time that OPA No. 82 is the subject of a Pre Hearing Conference at the Ontario Municipal Board.

Yours truly,  
Macdonald Sager Manis LLP

A handwritten signature in black ink that reads "Ronald M. Kanter". The signature is written in a cursive style with a large initial 'R' and 'K'.

Per: Ronald M. Kanter

cc: Arya Niggeh  
Jane McFarlane  
OPA 82 Appellants



Proposed Garden District  
Heritage Conservation District

**Toronto**  
Character Sub-Area # 8 - Sherbourne Street

246 - 252 SHERBOURNE ST  
POLETOPS

- Character Sub-Area
- Proposed Plan Area
- Contributing Properties