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**AIRD & BERLIS LLP**

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Barristers and Solicitors

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February 16, 2016

BY EMAIL

Our File: 123946

Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2Attn: Ros Dyers, Administrator ([teycc@toronto.ca](mailto:teycc@toronto.ca))

Dear Ms. Dyers:

**Re: Agenda Item: TE 14.7 - Inclusion on the City of Toronto's Heritage  
Register, 46 Spadina Avenue**

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We act for the owner of the property municipally known as 46 Spadina Avenue, in the City of Toronto. Our client received notice of the Toronto Preservation Board meeting in a letter from the City dated February 2, 2016. It is unclear when the letter was mailed, but it was not received until after the Preservation Board meeting on February 10, 2016. Had the letter been sent earlier, our client would have had an opportunity to attend the Preservation Board meeting and express these concerns.

As referenced in the January 16, 2016 staff report, in May 2010 City Council enacted Zoning By-law 490-2010 to permit the redevelopment of the lands at 46-62 Spadina Avenue and 378 Wellington Street West with an 11 and 19 story mixed-used project. That approval contemplated the removal of the subject building at 46 Spadina Avenue. We have met recently with the Planning and Heritage Staff to discuss moving forward with a modified version of the previous Council approval.

While we have not yet had an opportunity to review the proposed statement of significance in the January 16, 2016 staff report with our client's heritage architect, we do have concerns with the scope of the heritage attributes identified.

We note that in 2005, City staff had prepared a report to the Preservation Board and Toronto and East York Community Council (TEYCC) recommending the listing of 46 Spadina Avenue, among other properties, on the City's Heritage Register. That recommendation was not adopted by TEYCC or City Council and 46 Spadina Avenue was removed from the list of properties added to the City's Heritage Register at that time. We also note that the Heritage attributes identified by staff at that time are different from those

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identified in this latest staff report, in particular with respect to the recent identification of the rear wall among the heritage attributes of the building.

We disagree with the attributes as identified in the January 19, 2016 staff report and the Preservation Board's recommendation to proceed to include 46 Spadina Avenue on the City's Heritage Register. We can confirm that we intend to continue to work with City Heritage and Planning staff towards a mutually acceptable resolution in relation to the development of this property.

Please also accept this correspondence as our request for notification of any decision(s) by the Committee and/or City Council regarding this matter.

In the meantime, please do not hesitate to contact the undersigned if you have any questions concerning this submission.

Yours truly,

AIRD & BERLIS LLP



per. Kim M. Kovar  
KMK/SJL

Cc: Harry Glicksman  
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