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February 19, 2016

VIA FACSIMILE

Mayor John Tory and Members of City Council
City of Toronto
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Attention: Ulli Watkiss

Dear Mr. Mayor and Members of Council:

**Re: Written Comments of The Churchwardens of the Church of
St. George-the-Martyr, Parkdale respecting
40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street
Zoning Amendment Application by Deltera Inc.
File: 14 174774 STE 200Z
Toronto and East York Community Council Meeting – February 23, 2016**

We are the solicitors for The Churchwardens of the Church of St. George-the-Martyr, Parkdale (the "Church") which operates the Anglican church on the property that abuts the subject site for this rezoning application. The church property, municipally known as 197 John Street, is located immediately to the west of the subject site. The St. George the Martyr church has served the community for over 150 years, having been founded in 1844. The church is a heritage property, designated in 1980 under Part IV of the *Ontario Heritage Act*.

The Church has a number of concerns with the proposed rezoning and submits that the proposed zoning amendment should not be approved, even in principle, until each of those concerns has been adequately addressed.

We understand that consideration of this application is scheduled for the Toronto and East York Community Council meeting on February 23, 2016. We would request deputant status at that meeting to address the application.

South Face of the 14 Storey Building

One of the highlights of the church building are the stained glass windows on its eastern face. These windows are a predominant and defining feature of the building, identifying it as a church to anyone viewing it from the east, for example from McCaul Street. The applicant's proposed 14 storey

building would block at least half of these windows to onlookers on McCaul Street. Their distinctive shape and character would be lost due to their partial obstruction.

Even with the applicant's proposed modifications to step-back portions of the south face of the 14 storey building, that building will block light into and through those stained glass windows on the east side of the church. As can be clearly seen in the East Elevation, the proposed building would block at least half of the large stained glass window. That window is the focal point of the church sanctuary, located behind the altar and facing out at the congregation. It is the predominant feature of the church from the congregation's point of view. Not well shown in that elevation, which is Attachment 4 to the Planning Staff Final Report, is the rose window above that main stained glass window, which is similarly bisected by the proposed 14 storey building.

Those windows face east and provide the primary illumination for the church's morning services. The church carries on three services in its sanctuary on Sunday mornings: at 9:00, 10:00 and 10:30 a.m. Services do not end until shortly after noon on Sundays. The proposed 14 storey building, located to the east of this window will significantly block and reduce the amount of light available to the most important space in the church at times when it is most used and when the light is most needed.

Furthermore, because the windows are stained glass windows, they are dependent on even illumination from the exterior. Blockage of part of the light through those windows will negatively affect those inside the church because they will no longer be able to make out the details of the stained glass once they are no longer evenly back-illuminated. These windows were designed to be more than just illumination of the interior space; they were designed to inspire and that function is reliant upon them remaining fully unobstructed from the morning sun.

Access to Parking Lot

The church accesses its parking lot at the northern end of its site over the applicant's lands. The proposed zoning by-law and planning staff recommendations do not appear to adequately recognize this continuing obligation of the applicant and future landowners. While recommendation 7b.i. on pages 3 and 4 of the Planning Final Report seeks a pedestrian thoroughfare easement, it fails to address the ongoing right that the public as well as the church to use what is known amongst residents of the area as the lane to drive over an area approximately 6.7 metres wide immediately east of the church's property. It may be that an appropriate condition to be imposed prior to the introduction of the Bills to City Council would be the conveyance and registration for nominal consideration of a non-exclusive easement for pedestrian and vehicular access over the westerly 6.7 metres of the applicant's lands to the City, the St. George-the-Martyr Church, the University Settlement House and the general public. That easement can be limited in its length however.

Construction Management and Damage to Church

Our client is extremely concerned about the potential for damage during redevelopment, including demolition and construction of the proposed buildings, to the old and somewhat fragile church

building. In addition, the church acts as a centre and host for a lively musical community which is similarly concerned about demolition and construction impacts on their equipment and performances. There are a number of residents who live in the church building and their interests also need to be protected. Appropriate benefits to be provided by the applicant to this important municipal asset, a designated heritage building, to be secured through the section 37 agreement should include: appropriate pre-construction and post-construction building surveys of the St. George the Martyr church building, preparation of a plan that considers vulnerabilities in the church building and appropriate demolition and construction techniques and mitigation which will be implemented during demolition and construction (which would of course need to be provide prior to the issuance of a demolition permit), a construction management plan that takes into account the times of the church and its users' activities, performances and services, full access to parking at St. George the Martyr Church.

Our client is continuing to review the proposal and the drawings and the concerns set out in this letter are preliminary and subject to change and augmentation and should not be taken as the only concerns that our client may have with this application.

Please consider this letter to be written submissions respecting the rezoning application pursuant to subsection 34(4)2 of the *Planning Act*. Please provide us with notice of any further meetings, processes, documentation or approvals related to the application lands.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP



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February 22, 2016

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I am a writing further to my letter providing comments of The Churchwardens of the Church of St. George-the-Martyr, Parkdale with respect to the above noted application. That letter did not set out the names of the individual wardens, who are Mary Barclay and Dale Hawke, which I now provide for the record.

Thank you.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP

David C.K. Tang
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