

# Stikeman Elliott

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September 29, 2017  
File No.: 139867.1002

**By E-mail**  
*clerk@toronto.ca*

City Council  
City of Toronto  
12th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Attention: Ms. Marilyn Toft

Dear Sirs/Mesdames:

**Re: TE26.14 - Designation of the King-Spadina Heritage Conservation District  
under Part V of the Ontario Heritage Act  
40-58 Widmer Street**

We are counsel to 40 Widmer Street Inc. (the "**Client**"), the owner of the properties municipally known in the City of Toronto as 40-58 Widmer Street (the "**Property**"). The Property is located within the proposed King-Spadina Heritage Conservation District.

Our Client has reviewed the draft King-Spadina Heritage Conservation District Plan, and in particular, the draft plan dated June 2017 (the "**Draft HCD Plan**"), which is included as Attachment 5 to the Report for Action from the Chief Planner and Executive Director, City Planning, dated June 14, 2017.

As outlined in our previous submission to the Toronto and East York Community Council, dated September 6, 2017, we wish to reiterate our Client's concerns regarding the Draft HCD Plan.

The policies and guidelines of the Draft HCD Plan impose overly prescriptive built form requirements for development. Such unduly restrictive requirements are inappropriate for a high-level policy document like the Draft HCD Plan, which does not contain a mechanism for amendment or appeal once the HCD Plan is in effect.

Our Client is also concerned that the Draft HCD Plan does not contain transition policies to deal with developments that have already secured zoning approvals, but for which demolition or building permits have yet to be issued. As a result, it is possible that even though an owner has already obtained zoning approvals for a proposed development, the City may, following the adoption of the Draft HCD Plan, refuse the issuance of a heritage permit for demolition or construction, notwithstanding the zoning approvals already secured for the development.

This concern is especially pertinent to the Zoning By-law Amendment application for a mixed-use development on the Property, which was approved by City Council through Council's decision on February 3, 2016. Our Client is concerned that the Draft HCD Plan will impose inappropriate restrictions on the development of the Property that are inconsistent with Council's approval. The Draft HCD Plan should not be used to undermine prior approvals that have been negotiated in good faith with the City and

approved by Council. For this reason, to address the situation described above, we respectfully request that: (1) the Draft HCD Plan be revised to include sufficient transition provisions; (2) the Draft HCD Plan be revised to include sufficient provisions for site-specific policies and amendments to the Draft HCD Plan; or (3) that the Property be excluded from the Draft HCD Plan.

Furthermore, our Client seeks to clarify an error in the mapping at Attachment 4 to the Report for Action from the Chief Planner and Executive Director, City Planning, dated June 14, 2017 and page 55 of the Draft HCD Plan, which identifies our Client's properties as "contributing properties", whereas page 206 of the Draft HCD Plan includes those same properties in the List of Non-Contributing Properties. Our Client's properties are presently vacant and are correctly identified as "non-contributing properties".

We are happy to explore these issues and possible solutions with City staff, and we strongly urge City Council not to accept the recommendations to designate and adopt the Draft HCD Plan until meaningful consultation is undertaken by City staff to address these concerns.

Please provide us with notice of all other meetings of Council and Committees of Council at which the proposed designation of the King-Spadina Heritage Conservation District and the adoption of the Heritage Conservation District Plan will be considered, and any notice of Council's decision with respect thereto.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



for Calvin Lantz

CL/jsc

cc. Clients