

**AIRD BERLIS**

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October 2, 2017

Our File Nos.: 124113 and 134723

BY EMAIL

City Council  
City of Toronto  
12<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Attention: Marilyn Toft at [clerk@toronto.ca](mailto:clerk@toronto.ca)

Dear Mayor and Members of Council:

**Re: City Council Agenda Item TE26.14  
Objection and Request for Deferral**

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Aird & Berlis LLP acts for Portland Property Spadina Inc. the owner of 49 Spadina Avenue and Portland Property Wellington Inc., the owner of 517 Wellington Street West, including 495 Wellington Street West, 31 Portland Street and 510 Front Street West.

On September 5, 2017, we wrote to Toronto East York Community Council on our clients' behalf, setting out a number of our clients' concerns with the proposed King-Spadina Heritage Conservation District. A copy of our correspondence from September is enclosed.

The concerns raised in our previous correspondence remain unaddressed. Accordingly, we ask that Council not accept the Staff recommendation to adopt the draft HCD Plan in its current form and direct Heritage Preservation Staff to undertake more meaningful consultation with the property owners in King-Spadina.

Yours truly,

AIRD & BERLIS LLP

*for:*   
Eileen P. K. Costello

MTB

Encl.

**AIRD BERLIS**

Eileen P. K. Costello  
Direct: 416.865.4740  
E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

September 5, 2017

Our File Nos.: 124113 and 134723

BY EMAIL

Toronto and East York Community Council  
City Clerk's Office  
2<sup>nd</sup> Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin, Committee Administrator**

Dear Community Council Members:

**Re: TEYCC Agenda Item TE26.14  
Objection to the Designation of the King-Spadina Heritage Conservation  
District under Part V of the Ontario Heritage Act generally and as it relates  
to 49 Spadina Avenue and 517 Wellington Street West, including 495  
Wellington Street West, 31 Portland Street and 510 Front Street West**

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Aid & Berlis LLP acts for Portland Property Spadina Inc. the owner of 49 Spadina Avenue and Portland Property Wellington Inc., the owner of 517 Wellington Street West, including 495 Wellington Street West, 31 Portland Street and 510 Front Street West. Both properties are shown as "contributing" in Appendix C of the King-Spadina Heritage Conservation District (the "HCD") draft plan (the "Plan").

In addition to the concerns set out in the general letter dated today and filed on behalf of our larger client group, Portland Property Spadina Inc. and Portland Property Wellington Inc. specifically object to the insufficient process and resulting ill-conceived policies in the draft HCD Plan. These concerns were also expressed in a letter to Heritage Preservation Services dated November 14, 2016, which is attached hereto.


Our clients have been actively involved in the King-Spadina HCD process. Our clients have been owners and stewards of heritage properties in Toronto for generations and have been long time advocates for heritage preservation in the City. Our clients were actually engaged in the HCD process. In our clients' view, the process associated with the King-Spadina HCD has been profoundly disappointing. While our clients have invested time, money and energy into creating a workable HCD Plan, the City's approach – providing only two weeks for comments following the release of its first draft of the HCD Plan, and then failing to address serious issues with the second version of the draft Plan – is unreasonable and at odds with the City's guidelines for the creation of HCDs which speak to the process being community driven.

September 4, 2017  
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Accordingly, by this letter, we ask that Community Council not accept the Staff recommendation to adopt the draft HCD Plan in its current form and direct Heritage Preservation Staff to undertake more meaningful consultation with the property owners in King-Spadina.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/MTB

Encl.

c. Client  
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AIRD BERLIS

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# AIRD & BERLIS LLP

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Barristers and Solicitors

Eileen P. K. Costello  
Direct: 416.865.4740  
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November 14, 2016

Our File Nos.: 124113 and 134723.

Tamara Anson-Cartwright  
Program Manager  
Heritage Preservation Services  
City Hall, 17th Floor, East Tower  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2  
[tansonc@toronto.ca](mailto:tansonc@toronto.ca)

Dear Ms. Anson-Cartwright:

**Re: Draft King-Spadina HCD Study Plan  
Released for Public Review and Comment on October 25, 2016  
Comments in Respect of 49 Spadina Avenue and 517 Wellington Street West,  
including 495 Wellington Street West, 31 Portland Street and 510 Front Street  
West**

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Please be advised that Aird & Berlis LLP has been retained by Portland Property Spadina Inc. and Portland Property Wellington Inc. the owners, respectively of 49 Spadina Avenue and 517 Wellington Street West, which includes 495 Wellington Street West, 31 Portland Street and 510 Front Street West. Both properties are located within the draft Plan area and are shown as "contributing" in Schedule "C" to the draft Plan.

Our clients, over multiple generations, have valued and cared for the heritage resources on their respective properties. Our clients have undertaken sensitive investments in the mechanical equipment, in updating the heritage buildings to be accessible and support new users, all the while preserving the important heritage features on the properties.

As long time advocates for heritage preservation in the City, our clients have found both the process associated with the draft HCD Plan as well as the document itself to be a profound disappointment. For example, our clients participated in two years' worth of community meetings on the HCD study and then plan; at no time in that process were actual draft policies or guidelines shared with the very people that are responsible for conserving the built heritage within King Spadina. To then be given a mere two weeks to review a document as extensive and complicated as the actual draft Plan is unreasonable. Moreover, this approach seems directly at odds with the Council adopted guidelines for the creation of HCDs which speak to the process being community driven.

Additionally, the inclusion of mandatory stepbacks for contributing properties, as well as for non-contributing properties which front onto certain streets in the draft HCD Plan area, is in the opinion of our clients' without any rational. The application of these stepbacks, which are also referred to as being minimums as they relate to contributing properties, without any regard for the actual built form of the contributing property or the proposed addition, is contrary to established best practices. Additionally, the application of a 10m stepback along Spadina Avenue ignores its generous right of way and the fact that stepbacks are not a heritage attribute in an area where warehouse buildings – such as the one at 49 Spadina Avenue – were more often built on the lot lines.

November 14, 2016

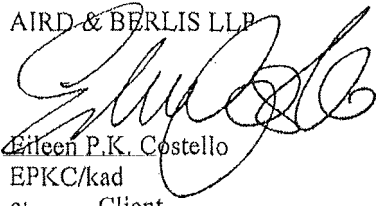
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Our clients view the draft HCD Plan as being ill-conceived and lacking in the appropriately nuanced approach which is necessary to truly conserve key heritage attributes in this important growth area of the City.

Our clients welcome the opportunity for meaningful consultation with HPS staff, and the City's consultant team, prior to the issuance of a modified draft HCD Plan.

Sincerely,

AIRD & BERLIS LLP



Eileen P.K. Costello

EPKC/kad

c: Client  
City Clerk  
Councillor Joe Cressy  
Entertainment District BIA

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