

**AIRD BERLIS**

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October 2, 2017

Our File No.: 133660

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 458728 Ontario Limited in respect of its property at 147 Spadina Avenue.

On September 5, 2017, we wrote to Toronto East York Community Council on our client's behalf, setting out a number of our client's concerns with the proposed King-Spadina Heritage Conservation District Plan as it applies to our client's property. 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 meaningful consultation with the property owners in King-Spadina, particularly the process for identifying, cataloguing and treating "contributing" properties. In the alternative, our client requests that HPS staff be directed to remove 147 Spadina from the list of "contributing" properties.

Yours truly,

AIRD & BERLIS LLP

  
for: Eileen P. K. Costello

MTB

Encl.

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# AIRD & BERLIS LLP

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Barristers and Solicitors

Eileen P. K. Costello  
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September 5, 2017

BY EMAIL

Our File No.: 133660

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  
147 Spadina Avenue**

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Aird & Berlis LLP acts for 458728 Ontario Limited in respect of its property at 147 Spadina Avenue. In addition to the comments and requests set out in our general letter, our client is particularly concerned that its property has been identified as a "contributing" property in the King-Spadina Heritage Conservation District (the "HCD").

Our client has been actively engaged in the King-Spadina HCD process since its inception, attending community consultation sessions and seeking opportunities to consult directly with Heritage Preservation Services Staff in respect of the number of properties that it owns within the HCD area, but in particular with respect to its property at 147 Spadina Avenue, which has been incorrectly identified as "contributing" in the HCD Plan.

To reiterate our client's comments to the Toronto Preservation Board and its repeated message to Staff, 147 Spadina Avenue has erroneously been included as "contributing" in the HCD Plan for the following reasons:

- the building on the property was poorly constructed with buried wood pilings, no basement and therefore lacks structural integrity;
- the building on the property has been substantially renovated and altered such that very little of the exterior structure dates to 1939, the year the original portion of the building was constructed;
- the entire interior structure and floor plan have been altered over time and no original features remain intact; and

June 5, 2017  
Page 2

- the southern façade of the building which extends along Richmond Street was reconstructed following the realignment of Richmond Street West in the 1960s and is not original.

These same facts have been shared with Heritage Preservation Services Staff and the local Ward Councillor on many occasions. A copy of our letter of November 14, 2016, setting out these same concerns about 147 Spadina Avenue's "contributing" status is attached hereto.

On behalf of our client, we submit that because the draft HCD Plan only distinguishes between "contributing" and "non-contributing" properties, a number of properties like 147 Spadina Avenue which have very little remaining heritage value have been deemed of equal significance as other properties which do in fact have important and sustained heritage value. The lack of detail in the draft HCD Plan's Statements of Contribution compounds this issue and will make it difficult, if not impossible, to use the HCD Plan to evaluate development applications for "contributing" properties.

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 meaningful consultation with the property owners in King-Spadina, particularly the process for identifying, cataloguing and treating "contributing" properties. In the alternative, our client requests that HPS staff be directed to remove 147 Spadina from the list of "contributing" properties.

Our client welcomes the opportunity for further, meaningful consultation with Staff and members of Council.

Yours truly,

AIRD & BERLIS LLP

  
Eileen P. K. Costello

EPKC/MTB

Encl.

c: Client

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# AIRD & BERLIS LLP

Barristers and Solicitors

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

Our File No.: 133660

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 147 Spadina Avenue**

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Please be advised that Aird & Berlis LLP has been retained by 458728 Ontario Limited in respect of its property at 147 Spadina Avenue and specifically with respect to the inclusion of this property as "contributing" in the draft HCD plan circulated for review on October 25, 2016.

Our client objects to the inclusion of the property as contributing for the following reasons:

- the statement of contribution contained in Appendix C to the draft HCD plan contains factual errors which have been brought to the attention of staff prior to the release of the draft;
- the building on the property has been substantially renovated and altered such that very little of the exterior structure, save perhaps for some of the masonry, actually dates to 1939;
- the entire interior structure and floor plan have been altered over time and no original features remain intact; and
- the southern bay of the building which extends along Richmond Street is not original but, in fact, was reconstructed following the realignment of Richmond Street West in the 1960s.

All of this was communicated to HPS staff prior to the release of the draft; the fact that this information is not even included in the draft statement of contribution – so as to allow a differentiation between original and later built forms – is misleading.

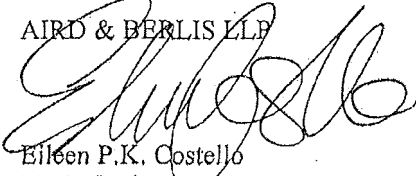
Additionally, our client objects to the application of a mandatory 10m setback along Spadina Avenue and the description of the sub-character area which appears to seek to cap heights at 12 storeys. Given the generous right of way width found on Spadina Avenue, such an approach to restrict development is contrary to the history of the area as a location of growth and is not responsive, in our client's opinion, with the existing in-force Official Plan policies and Provincial policies.

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On behalf of our client, we urge staff to reconsider the inclusion of 147 Spadina Avenue as a "contributing" property, and to undertake actual community consultation on the draft policies as they are framed for the Spadina sub-character area.

Sincerely,

AIRD & BERLIS LLP



Eileen P.K. Costello  
EPKC/kad

c: Client  
City Clerk  
Councillor Joe Cressy  
Entertainment District BIA

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