

October 2, 2017

By E-Mail Only to *clerk@toronto.ca*

Mayor John Tory and Members of City Council
12th floor, West Tower
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ms. Marilyn Toft, Secretariat

Dear Mayor Tory and Members of Council:

**Re: City Council Meeting – October 2, 2017
Designation of the King-Spadina Heritage Conservation District under Part
V of the Ontario Heritage Act
Item TE26.14**

We are counsel to Daram Holdings Inc., the owner of 443 Adelaide Street West (the “Subject Property”). Our client currently operates a general hardware store on the Subject Property.

The Subject Property is identified as a non-contributing property in the proposed King-Spadina Heritage Conservation District Plan (the “HCD Plan”). Our client is concerned that, notwithstanding that the Subject Property has no heritage attributes whatsoever and is underutilized given its surrounding context, the applicable policies of the HCD Plan may unduly restrict its redevelopment and fail to have appropriate regard for the broader planning context.

Specifically, several policies are prescriptive in nature. In our view, the policies and guidelines for non-contributing properties are unduly restrictive and are inappropriate for a broad-based policy document like an HCD Plan. For example, the mandatory requirement that additions to non-contributing properties shall be setback the same distance as buildings on adjacent contributing properties is unnecessary and in many cases will not contribute to heritage conservation objectives.

Rather than implementing mandatory restrictions on the redevelopment of properties within the King-Spadina HCD, it is more appropriate to allow City staff to exercise their professional judgment by applying flexible guidelines to individual applications. This is

particularly the case for development on non-contributing properties, which will be expected to sustain the majority of the growth planned for this area as an urban growth centre in Provincial and City planning policy.

We thank the City for the opportunity to provide this feedback on behalf of our client and ask that Council refer this matter back to staff for consideration of the above-noted comments.

Please provide us with notice of any actions taken by Council with respect to this matter. Do not hesitate to contact us if you have any questions or wish to discuss this matter further.

Yours sincerely,
DAVIES HOWE LLP



Susan Rosenthal
Professional Corporation

SR:am

copy: Client