



Overland LLP
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September 29, 2017

VIA E-MAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: Ellen Devlin
Administrator, Toronto and East York Community Council
-and-
Marilyn Toft
Secretariat, City Council**

Your Worship and Members of Council:

**RE: Item TE26.14
Proposed Designation of the King-Spadina Heritage Conservation District
Fortress Carlyle Peter Street Inc.**

We are the solicitors for Fortress Carlyle Peter Street Inc. ("**Carlyle**"), which owns a number of properties within the proposed King-Spadina Heritage Conservation District, including the properties municipally known as 122-128 Peter Street and 357-359 Richmond Street West. We are writing to provide our client's general concerns with the proposed King-Spadina Heritage Conservation District and the proposed King-Spadina Heritage Conservation District Plan released in June 2017 (the "**HCD Plan**").

By way of background, in November 2015 our client submitted an application for a Zoning By-law Amendment to permit a redevelopment generally at the corner of Peter Street and Richmond Street West comprised of a 46-storey mixed-use building. There have been a number of recently approved and proposed redevelopments in the surrounding area that are illustrative of the evolving nature of this area and King-Spadina, and our client maintains an ongoing interest in this area generally.

On behalf of our client, we had previously provided comments to Heritage Preservation Services in November 2016 in respect of the proposed King-Spadina Heritage Conservation District and the Draft HCD Plan released in October 2016 (a copy of which is enclosed). At that time, the City had provided a three week window to review and provide comments. We had requested notice of any future public consultation, meetings, information releases, decisions and all matters related to the Draft HCD Plan. Despite this request, our client was not provided with notice of the release of the draft HCD Plan in June 2017, nor that this matter would be considered at the June 22, 2017 meeting of Toronto Preservation Board or at the September 6, 2017 Toronto and East York Community Council Meeting. We submit that landowners who will be impacted by the proposed HCD District and HCD Plan have not been meaningfully consulted

with, nor provided sufficient opportunity to provide comments that should inform Staff recommendations and Council's decision in this matter.

While we note that certain proposed revisions have been made to the earlier iteration of the draft HCD Plan, our client's concerns have not been addressed. In very general terms, the proposed HCD District boundary is overly broad, covering a vast area that lacks the requisite level of coherence to justify a Part V designation. As a result, the proposed boundary incorporates many properties and areas, including our client's properties, that do not warrant designation as a heritage conservation district under Part V of the *Ontario Heritage Act*.

We further submit that the proposed HCD Plan is overly restrictive, and will undermine the planned function of lands within the proposed HCD District. The mandatory nature of general policies that seek to control built form is fundamentally inappropriate. This approach fails to account for the opportunities that exist on a site specific basis to both conserve heritage resources and provide an appropriate architectural response to the diverse built form context in King-Spadina. The effect of the proposed level of built-form control contained in the HCD Plan goes beyond the identification and conservation of cultural heritage value, and exceeds the jurisdiction afforded under Part V of the *Ontario Heritage Act*.

As set out in our earlier correspondence, our client maintains its objection to the identification of the properties at 122-124 Peter Street and 357-359 Richmond Street West as being "contributing properties." We submit that these categorizations are inappropriate, and that these determinations have been made without the benefit of a site specific (qualitative) assessment. While we note that since the time of our earlier correspondence the City has issued a Notice of Intention to Designate these properties under Part IV of the *Ontario Heritage Act*, these properties were not previously identified in the background study as warranting evaluation for individual protection under Part IV of the *Act*. Our client has filed a notice of objection to the proposed designation (a copy of which is enclosed herewith).

Our client is further concerned with the failure to include appropriate transitional provisions in the HCD Plan. At a minimum, we submit that the HCD Plan should articulate clear transitional provisions that exempt pipeline projects and *Planning Act* applications, including the Proposed Development.

We hereby request notice of City Council's deliberations and decisions in this matter and of any resulting heritage conservation district and district plan that may be adopted, as well as notice of any deliberations and decisions in this matter by any other Committee.

Yours truly,
Overland LLP



Per: Daniel B. Artenosi
Partner

Encl.
c. P.laboni/N.Mansour (Carlyle)



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November 14, 2016

VIA EMAIL

Heritage Preservation Services
City Planning
City Hall, 17 East Tower
Toronto, ON M5H 2N2

Attention: Tamara Anson-Cartwright, Program Manager

Dear Sir/Madame:

**RE: Draft King-Spadina Heritage Conservation District Plan
122-128 Peter Street & 357 Richmond Street West
Preliminary Comments**

We are the solicitors for Fortress Carlyle Peter Street Inc. ("**Carlyle**"), being the owner of the properties municipally known as 122-128 Peter Street and 357 Richmond Street West (the "**Site**") which is located at the southwest corner of Richmond Street West and Peter Street and within the Simcoe/Peter/Richmond/Adelaide sub-area of the proposed King-Spadina Heritage Conservation District Plan (the "**Draft District Plan**").

At the outset, we submit that the proposed Draft District Plan area (the "**District**") boundary is overly broad which is reflected in the identification of eight character sub-areas over an expansive area of land. In this regard, the District boundary incorporates many properties and areas, including the Site and the surrounding context, that do not warrant designation as a heritage conservation district under Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

We are further concerned that the amount of time provided to review the Draft District Plan is insufficient. We further submit that a more extensive process for public consultation is warranted, in order to provide, amongst other reasons, a meaningful opportunity to understand and assess the intention of various proposed policies. In this regard, we have set out below our client's very preliminary comments on the Draft District Plan.

Background

The Site is currently occupied by a series of one to three storey buildings generally containing commercial and residential uses, including two structures at 122-124 Peter Street (a pair of semi-detached dwellings) and 357 Richmond Street West respectively, which are both "listed" on the City's Heritage Register.

The Site is designated *Regeneration Area* in the City of Toronto Official Plan, and is located within the *Downtown* on Map 2 (Urban Structure) where greater intensity of development is encouraged. The Site is well served by public transit, being in close proximity to two *Higher*

Order Transit Corridors, Yonge/University subway and Spadina Light Rail. The Site is also located within the King-Spadina Secondary Plan Area, which supports the development of mixed use buildings in *Regeneration Areas* in order to introduce new commercial uses, retail services and living opportunities for people working in local businesses.

On November 23, 2015, our client through its planner, Hunter & Associates Ltd., submitted a Zoning By-law Amendment application (the "**ZBA Application**") to permit the redevelopment of the Site with a 46 storey mixed-use building containing at-grade retail uses, approximately 435 dwelling units and four levels of underground parking that will provide 92 parking spaces, with a total combined gross floor area of 27,397 m² and resulting in a density of approximately 21 FSI.

The ZBA Application was appealed to the Ontario Municipal Board on October 31, 2016.

The Draft District Plan

In addition to our client's general concern regarding the District boundary, our client's comments regarding the Draft District Plan's policies are as follows.

The District encompasses a 45-hectare area in the southwest Downtown generally bounded by Richmond Street West to the north, Simcoe Street to the east, Wellington and King Streets to the south and Bathurst Street to the west. The Draft District Plan attributes the heritage value of the area to the first wave of economic development in the area from the late 19th into early 20th century. The Draft District Plan's aim to preserve a narrow swath of history does not fully capture the gradual evolution of the area into a high-density commercial and residential neighborhood with a current population of 25,000 that is expected to grow to approximately 50,000. In this regard, the proposed policy framework for managing change appears at odds with the historical development of the area resulting from the Regeneration Area (RA) Zoning and its intended function as being a catalyst for revitalization.

The Draft District Plan is generally structured around the categorization of properties within the boundary as "contributing" or "non-contributing." Under this proposed framework, properties are stated to have been evaluated against the period of significance and examined to determine if the integrity of the property was too far degraded to merit contributing status. We submit that this approach to categorization is overly broad, effectively grouping properties based on date of construction, without appropriate regard to the individual heritage architectural value of a property. The structures at 122-124 Peter and 357 and 359 Richmond Street West have been identified as "contributing", despite the fact that 357 and 359 Richmond Street West have undergone significant alterations, with many of the original building materials having been replaced. The buildings at 122-124 Peter Street are in poor condition, and do not individually demonstrate significant heritage value. In our view, these properties do not merit categorization as contributing properties.

The District was originally to be divided into two parts covered by two distinct heritage conservation districts plans (King East and King West). It was later decided that the two plans should be combined and supplemented by the introduction of eight character sub-areas to better align existing and future planning initiatives. Despite the distinct sub-areas, the Draft

District Plan proposes a unified set of policies to manage both contributing and non-contributing properties generally. In our view, this amounts to a one-size-fits-all approach that fails to account for the existing and emerging built form relationships that vary within each sub-area.


In its current form, the Draft District Plan would undermine the ability to achieve appropriate intensification over much of the District, and runs counter to provincial policy directives predicated on the optimization of land and infrastructure. We submit that the policy direction to conserve significant heritage resources and achieve optimization of land use and infrastructure are not mutually exclusive, but require a comprehensive approach to planning. Built form guidelines that support the Draft District Plan's underlying objective of conserving predominant scale and built form patterns are inconsistent with the evolutionary character and planned use of the area and would undermine opportunities for higher density development that appropriately respond to the surrounding context. Despite the proposed distinction between guidelines and policies, the effect is to control urban design in a manner that will undermine opportunities for positive and creative architectural responses within the area, which in turn undermines the historical evolution of this area under the RA Zoning framework.

The proposed policies requiring the preservation of the three-dimensional integrity of contributing building, policies relating to adjacency with contributing buildings, in particular those requiring that new development and additions to non-contributing properties complement the scale, height, massing and form of adjacent contributing properties are overly restrictive. It would appear that a core tension of the Draft District Plan is the goal of conserving the integrity and heritage attributes of the District, which is itself diverse, while creating major impediments to the ability to incorporate heritage properties into this diverse and emerging landscape.

In addition to the concerns set out above, we submit that the Draft District Plan requires a more extensive framework for periodic review, in particular opportunities for amending the Draft District Plan, in order to provide the requisite mechanism to address revisions that may be required moving forward.

Given these concerns, we are hopeful that this initial Draft may be used as an opportunity to engage in meaningful consultation with affected property owners and members of the public. On behalf of our client, we hereby request notice of any future public consultation, meetings, information releases, decisions and all matters related to the Draft District Plan.

Yours truly,
Overland LLP

FOR 
Per: Daniel B. Artenosi
Partner
c. P. Iaboni/N. Mansour (Carlyle)



Overland LLP
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March 17, 2017

VIA PERSONAL SERVICE

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

Attention: Ms. Ellen Devlin
Administrator

**RE: Fortress Carlyle Peter Street Inc.
122 and 124 Peter Street and 357 and 359 Richmond Street West
** NOTICE OF OBJECTION TO PROPOSED DESIGNATIONS **
Ontario Heritage Act, s.29 (5) and (7)**

We are the solicitors for Fortress Carlyle Peter Street Inc. ("**Carlyle**"), being the owner of the properties municipally known as 122 and 124 Peter Street and 357 Richmond Street West, which adjoins 359 Richmond Street West (collectively, the "**Properties**").

At its meeting on January 31, 2017, City Council passed a motion that City Council state its intention to designate the Properties in accordance with the Statements of Significance for the Properties. On behalf of our client, we made oral submissions in opposition to the proposed designation to the Toronto Preservation Board at its meeting on December 9, 2016, and written submissions to the Toronto and East York Community Council at its meeting on January 17, 2017 (a copy of which is enclosed herewith).

On behalf of Carlyle, we hereby object to the Notice of Intention to Designate 357 and 359 Richmond Street West and the Notice of Intention to Designate 122 and 124 Peter Street, both dated February 15, 2017 (collectively, the "**Notices of Designation**," copies of which are enclosed herein) and to request that City Council refer the matter to the Conservation Review Board for a hearing, in accordance with Sections 29 (5) and (7) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "**Act**"). The reasons for these objections are generally set out below.

BACKGROUND

The Properties are generally located to the south and west of the intersection at Richmond Street West and Peter Street, and are both occupied by a pair of 2½ storey semi-detached buildings. 122 and 124 Peter Street and 357 Richmond Street West form part of a site that Carlyle is proposing to redevelop with a 46-storey (144.2 metre, including mechanical) mixed-

use building, containing at-grade retail uses, approximately 435 dwelling units and four levels of underground parking. The proposed architectural response is striking; providing visual interest to the surrounding area in the form of a slender tower that is in keeping with the existing built-form context in the immediate area and King-Spadina generally (the “**Proposed Development**”).

The Proposed Development contemplates the demolition of 122 and 124 Peter Street and 357 Richmond Street West, or in the case of 122 and 124 Peter Street the possible relocation of this building. As further discussed below, 357 and 359 Richmond Street West are typical examples of 19th century bay-n-gable buildings in form only, as the subject buildings have undergone extensive alterations to the exterior and interior. 122 and 124 Peter Street has structural defects and is in an overall poor condition. Any proposed rectification of the structural defects alone would require an intervention that may negatively impact the existing character of the building.

Planning and Surrounding Context

The Properties are designated *Regeneration Area* in the City of Toronto Official Plan, and are located within the *Downtown* on Map 2 (Urban Structure) where greater intensity of development is encouraged. The Site is also located within the King-Spadina Secondary Plan Area, which supports the development of mixed use buildings in *Regeneration Areas* in order to introduce new commercial uses, retail services and living opportunities for people working in local businesses. Generally, the Properties are located within an area targeted for growth, which is reflected in the number and scale of developments that have been approved, developed and proposed in the area.

In particular, the southwest intersection at Peter Street and Richmond Street West is surrounded by more intensive forms of developments. For example, a 17-storey (approximately 72 metres including mechanical) office building has recently been constructed at the northwest corner of Peter Street and Richmond Street West. Immediately east of the Site, at the southeast corner of Peter Street and Richmond Street West is a 36-storey (approximately 126 metres including mechanical) mixed use tower currently under construction. Numerous other tall buildings have been approved in the area, and several proposals for tall buildings are pending.

The City is currently conducting a built form study of the East Precinct of the King-Spadina Secondary Plan area, known as the King-Spadina East Precinct Built Form Study (the “**Built Form Study**”). As part of the Built Form Study, City Council has endorsed certain “directions,” including the City’s desire for new development to respect a transition line of tower heights from east to west from University Avenue towards Spadina, to limit shadow impacts on Queen Street West and to achieve appropriate building setbacks and separation distances. These directions recognize the area’s context as being appropriate for intensification proposals in the form of high-rise development, and are intended to ensure that developments achieve appropriate built form relationships.

The Properties are currently zoned “RA” under former City of Toronto By-law 438-86, as amended, and “CRE” under the new City of Toronto Zoning By-law 569-2013, which both permit

a mix of commercial and residential uses. Under both By-laws, the Site is subject to a maximum height of 30 metres.

The City has completed a Heritage Conservation District Study to assess the historical and cultural significance of the east part of the King-Spadina area wherein the Properties are located (the "**King-Spadina HCD Study**"). Section 10.5 of the Study contained a number of properties that were identified as warranting evaluation for individual protections under Part IV of the Act, which did not include the Properties.

The City has recently released for public review and comment a draft of the proposed King Spadina Heritage Conservation District Plan (the "**Draft HCD Plan**"). Under the draft framework, properties are identified as either "contributing" or "non-contributing." The Properties are identified as "contributing." As set out in the Statements of Contribution for the Draft HCD Plan, the Properties are identified as having "Design Value" and "Contextual Value." While other "contributing properties" are identified as having "Historical Value," this has not been identified as a cultural heritage value or interest of the Properties.

Reasons for the Objection

We have carefully reviewed the Notices of Designation, which purport to set out the cultural heritage value or interest of the Properties and their heritage attributes. While the Notices of Designation track or recite some of the terminology found in Ontario Regulation 9/06 made under the Act (Criteria for Determining Cultural Heritage Value or Interest), the Properties do not merit designation under Part IV of the Act.

The City Staff recommendations for designation of the Properties are set out in the Staff Report dated November 15, 2016 from the Chief Planner and Executive Director to the Toronto Preservation Board and Toronto and East York Community Council (the "**Staff Report**"). Staff's recommendation for designation of the Properties is based on the following criteria in O.Reg. 9/06:

1. Design or Physical Value, on the contention that the buildings are a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. Historical or Associative Value, on the contention that the buildings yield, or have the potential to yield, information that contributes to an understanding of a community or culture; and,
3. Contextual Value, on the contentions that: (a) the buildings are important in defining, maintaining or supporting the character of an area; and, (b) the buildings are physically, functionally, visually or historically linked to their surroundings.

At the outset, we note that the proposed designation of the Properties under Part IV appears to be an augmentation of the previous direction recommended in the HCD Study where specific properties, that did not include 357 and 359 Richmond Street West or 122 and 124 Peter Street, were identified as warranting evaluation for individual protection under Part IV of the Act. While we note that 122 and 124 Peter Street were listed at the time of the Study, 357 and 359

Richmond Street were not listed. In addition, the inclusion of Historical or Associative Value in the Reasons for Designation is also an expansion of the purported historical value of the Properties as previously proposed in the Draft HCD Plan. We submit that this inconsistency undermines the appropriateness of the City's proposed designation under Part IV and the purported heritage value that the Properties may otherwise exhibit, these matters having already been considered by the City as part of the HCD Study for King Spadina.

That being said, in reviewing the proposed reasons for designation of the Properties as set out in the Notices of Designation and Staff Report, we submit that the City's proposed direction requires a more qualitative assessment than that undertaken in support of the designation. For example, 357 and 359 Richmond Street are typical examples of 19th century bay-n-gable buildings in form only. The subject buildings have undergone significant alterations prior to our client's ownership: the interiors have been overhauled, all of the original exterior doors, windows, frames and wood ornaments have been replaced, and the entire exterior has been reclad in dark grey stucco.

Notwithstanding these materials changes to 357 and 359 Richmond Street, the proposed Heritage Attributes include former elements of the building that have now been removed or irreparably compromised, such as the brick exterior walls and a great deal of the wood detailing. Similarly, while the Notice of Designation identifies the window "openings" as a Heritage Attribute, it must be emphasized that the original window patterns themselves have been removed and replaced with unsympathetic windows, which we submit further demonstrates that the building's integrity has been undermined.

Authentic examples of the bay-n-gable architectural style are found throughout Toronto and present within the proposed King-Spadina HCD. In their current state, 357 and 359 Richmond Street lack integrity to warrant designation under Part IV of the Act. Any potential heritage integrity of these structures has been significantly compromised. To the extent that the stated Heritage Attributes include the brick cladding, it is likely the case that such brick is already damaged beyond repair, which would have given rise to the decision to reclad the building with stucco in the first place. We submit that this threshold issue negates the appropriateness of designation of 357 and 359 Richmond Street, not only on the basis of Design Value, but even more generally. Designation of these properties, notwithstanding their degradation from a cultural heritage perspective, would undermine a fundamental principle of good heritage planning.

The Notices of Designation and Staff Report are not informed by a condition assessment of the Properties. There is no recognition, for example, of the fact that 122 and 124 Peter Street has been vacant for some time and is in a state of serious decline, which we submit is an important factor to consider as part of a proposed Part IV designation in this instance. The building has experienced structural damage that is evidenced by the significant settlement of the front wall, which arises from circumstances that pre-date our client's ownership. There is further evidence that the building has endured water damage, looted interiors, and the presence of mould and vermin. Any attempt to remediate the structural defects alone would require intervention that may compromise the potential integrity of this building.

The full integrity of the building at 122 and 124 Peter Street has already been compromised by the replacement of the original sheathing, clapboarding with wood trim, with roughcast and wood trim. The proposed Heritage Attributes of the building do not identify the original sheathing, but rather identify the replacement cladding and wood trim as a heritage attribute. The Notice of Designation further identifies the north elevation of 122 Peter Street as being a Heritage Attribute, while at the same time noting that this elevation is concealed by the adjoining building. A proper historical accounting of this condition reveals that the north elevation has been concealed since 1885 when an adjoining building was added. That is to say, the north elevation has been concealed for approximately 130 years. This undermines the notion that the north elevation served as a significant attribute of the public realm. We submit further that it is premature to identify an item as a "heritage attribute" when such attribute has not been observed to support the proposition.

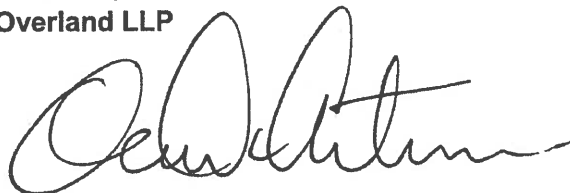
In addition to the qualitative issues that our client has with specific proposed "Heritage Attributes," our client generally objects to the overly broad characterization of "Heritage Attributes" in the Statements of Significance. While the definition of "heritage attribute" in the Act is broad, other documents that guide heritage conservation, such as the PPS 2014, the Ontario Heritage Toolkit, and Parks Canada's Standards and Guidelines, make it clear that a list of heritage attributes is not intended to be an exhaustive catalogue of every feature of a property.

The proposed direction for designation of the Properties under Part IV of the Act and the purported "contextual" basis upon which the direction is based, fails to account for the Properties' contextual setting. While some lower scale residential typologies exist adjacent to the Properties, this does not give rise to a visual link to the surroundings as suggested in the Statements of Cultural Heritage Value. Rather, the immediate area is more appropriately characterized by the emergence of the tower typology, particularly along Peter Street. Similarly, the Properties are not characteristic of the predominant materiality in the immediate vicinity. Contextually, the Properties are isolated from their surroundings. We submit that the Properties are neither visually nor historically linked to this setting.

While the Statements of Cultural Heritage Value suggests that the Properties have associative value for their contribution to the understanding of the historical development of the King-Spadina neighbourhood, there is no compelling basis to substantiate this claim. The reasons provided do not indicate a significant link between the Properties and the community or culture that yields or has the potential to yield information that would contribute to our understanding of King-Spadina.

Should you require any further information, documentation, or any other thing to constitute these objections to the proposed designations of 357 and 359 Richmond Street West and 122 and 124 Peter Street and request for review by the Conservation Review Board, please contact the undersigned or, in his absence, Kelly Oksenberg at koksenberg@overlandllp.ca or 416-730-1529.

Yours truly,
Overland LLP

A handwritten signature in black ink, appearing to read 'D. Artenosi', written over the 'Overland LLP' text.

Per: Daniel B. Artenosi
Partner

Encl.
c. P. Iaboni/N. Mansour (Carlyle)
J. Braun (City of Toronto)



City Clerk's Office

Secretariat
Ellen Devlin
Toronto and East York Community Council
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Ulli S. Watkiss
City Clerk

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**IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1990 CHAPTER 0.18 AND
CITY OF TORONTO, PROVINCE OF ONTARIO
357 AND 359 RICHMOND STREET WEST
NOTICE OF INTENTION TO DESIGNATE**

Naram Mansour
Fortress Carlyle Peter Street Inc.
476 Richmond Street West, Suite 200
Toronto, Ontario
M5V 1Y3

Take notice that Toronto City Council intends to designate the lands and buildings known municipally as 357 and 359 Richmond Street West, the Margaret Grimmon Houses, under Part IV, Section 29 of the Ontario Heritage Act.

Reasons for Designation

The properties at 357 and 359 Richmond Street West are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, which the City also applies for listing.

Description

Located on the south side of Richmond Street West between Peter Street (east) and Spadina Avenue (west), the properties at 357 and 359 Richmond Street West contain a pair of 2½-storey semi-detached house form buildings. The houses were completed in 1889 for Margaret Grimmon, whose family retained 357 Richmond until 1909 and 359 Richmond until the World War II era. The properties were listed on the City of Toronto's Heritage Register in 2015.

Statement of Cultural Heritage Value

The properties at 357 and 359 Richmond Street West have cultural heritage value as surviving examples of semi-detached house form buildings designed in the Bay-n-Gable style that is linked to Toronto and identified by the arrangement of the principal (north) elevations as mirror images with bay windows surmounted by projecting gables. At the end of the 19th century, the Toronto Bay-n-Gable style was particularly favoured for semi-detached houses in the city's residential neighbourhoods, including King-Spadina where the Margaret Grimmon Houses are among a select group of surviving examples.

The Margaret Grimmon Houses have associative value for their contribution to the understanding of the historical development of the King-Spadina neighbourhood where they are located on one of the earliest residential subdivisions in York (Toronto), which was registered as Plan 1B in 1829. Their construction as house form buildings in the late

19th century was part of the evolution of the King-Spadina area, from its origins in the early 1800s as an institutional enclave (where the third Provincial Parliament Buildings were located), to its transformation a century later as Toronto's new manufacturing district following the Great Fire of 1904. As part of the ongoing changes in King-Spadina, the Margaret Grimmon Houses were converted in the later 20th century for light industrial, then commercial uses, and remain important surviving examples of the historical development of the neighbourhood.

Contextually, the properties at 357 and 359 Richmond Street West support the historical character of the King-Spadina neighbourhood as it developed and evolved in the 19th century from an institutional enclave and residential neighbourhood to the city's industrial sector. The Margaret Grimmon Houses are historically and visually linked to their surroundings on Richmond Street West in the block between Peter Street (east) and Spadina Avenue (west) where they remain the only surviving residential buildings. They are adjacent to the significant former manufacturing complex at 401 Richmond Street West, which is designated under Part IV, Section 29 of the Ontario Heritage Act.

Heritage Attributes

The heritage attributes of the Margaret Grimmon Houses on the properties at 357 and 359 Richmond Street West are:

- The placement, setback and orientation of the buildings on the south side of Richmond Street West between Peter Street and Spadina Avenue
- The scale, form and massing of the pair of 2½-storey Bay-n-Gable house form buildings with the rectangular-shaped plans
- The cross-gable roofs, with the wood detailing in the north gables
- The materials, with the brick exterior walls and the brick, stone and wood detailing (the exterior brickwork has been clad with stucco)
- The arrangement of the principal (north) elevations of the houses as mirror images, where the main entrances with the flat-headed transoms are raised and placed side-by-side in the centre of the first (ground) floor between the two-storey bay windows
- The fenestration, with the flat-headed window openings in the first (ground) floor and the attic half-storey, and the segmental-arched openings in the second storey
- The side elevations (east and west), which are viewed from Richmond Street West

Notice of an objection to the proposed designation may be served on the City Clerk, Attention: Ellen Devlin, Administrator, Toronto and East York Community Council, Toronto City Hall, 100 Queen Street West, 2nd Floor, West, Toronto, Ontario, M5H 2N2, within thirty days of February 15, 2017, which is March 17, 2017. The notice must set out the reason(s) for the objection, and all relevant facts.

Dated at Toronto this 15th day of February, 2017.



604 Ulli S. Watkiss
City Clerk



City Clerk's Office

Secretariat
Ellen Devlin
Toronto and East York Community Council
City Hall, 2nd Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Ulli S. Watkiss
City Clerk

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**IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1990 CHAPTER 0.18 AND
CITY OF TORONTO, PROVINCE OF ONTARIO
122 AND 124 PETER STREET
NOTICE OF INTENTION TO DESIGNATE**

Naram Mansour
Fortress Carlyle Peter Street Inc.
476 Richmond Street West, Suite 200
Toronto, Ontario
M5V 1Y3

Take notice that Toronto City Council intends to designate the lands and buildings known municipally as 122 and 124 Peter Street, the Thomas Johnston Houses, under Part IV, Section 29 of the Ontario Heritage Act.

Reasons for Designation

The properties at 122 and 124 Peter Street are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, under all three categories of design, associative and contextual value.

Description

The properties at 122 and 124 Peter Street are located on the west side of the street, south of Richmond Street West, and contain a pair of 2½-storey semi-detached house form buildings that were completed in 1871 and may have been designed by Thomas Johnston, a carpenter who operated his business on the site. 122 and 124 Peter Street were listed on the City of Toronto Inventory of Heritage Properties (now known as the Heritage Register) in 1974.

Statement of Cultural Heritage Value

The properties at 122 and 124 Peter Street have cultural heritage value as early surviving examples of semi-detached house form buildings in the King-Spadina neighbourhood. The vintage of the Thomas Johnston Houses is evident in the material (roughcast or stucco), as well as the placement of the entrances in the central frontispiece surmounted by a single gable that pays homage to the popular Gothic Revival style and gives the semi-detached buildings the appearance of a single detached house.

The Thomas Johnston Houses have associative value for their contribution to the understanding of the historical development of the King-Spadina neighbourhood where they are located on Plan 1B, one of the earliest residential subdivisions in York (Toronto), which was registered in 1829 before the incorporation of the City. The construction of the house form buildings at 122 and 124 Peter Street contributed to the evolution of the King-

Spadina area, from its origins in the early 1800s as an institutional enclave (where the third Provincial Parliament Buildings were located) adjoined by residential subdivisions, to its transformation a century later as Toronto's new manufacturing district following the Great Fire of 1904. The Thomas Johnston Houses remained in residential use despite the changes around them and, with the neighbouring semi-detached houses at 118 and 120 Peter Street and 357 and 359 Richmond Street, reflect the late-19th century residential appearance of this part of King-Spadina.

Contextually, the properties at 122 and 124 Peter Street support the historical character of the King-Spadina neighbourhood as it developed and evolved in the 19th century from an institutional enclave and residential neighbourhood to the city's industrial sector. The Thomas Johnston Houses are historically and visually linked to their surroundings on Peter Street, south of Richmond Street West, where they complement in scale and vintage the surviving semi-detached house form buildings at 118 and 120 Peter Street directly south and 357 and 359 Richmond Street West to the northwest (the Richmond Street properties are recognized on the City of Toronto's Heritage Register).


Heritage Attributes

The heritage attributes of the Thomas Johnston Houses on the properties at 122 and 124 Peter Street are:

- The placement, setback and orientation of the buildings on the west side of Peter Street, south of Richmond Street West
- The scale, form and massing of the pair of 2½-storey semi-detached house form buildings with the rectangular-shaped plans
- The cross-gable roof with the returned eaves, the brick chimneys on the north and south ends and, on the east slope, the central gable with the decorative wood work
- The materials, with the stucco cladding and the wood trim
- On the principal (east) elevation, the central frontispiece with the pairs of segmental-arched window openings in the first and second stories, the round-arched opening in the attic, and the wood trim
- On the central frontispiece, the placement of the entrances on the side elevations (north and south) in round-arched surrounds with transoms and wood detailing
- On the east elevation flanking the frontispiece, the pairs of segmental-arched window openings with wood trim in the first and second stories
- The south elevation of 120 Peter Street, which is viewed from Peter Street and retains a round-arched opening with wood trim in the attic level
- The north elevation of 122 Peter Street, which is concealed by the adjoining building

Notice of an objection to the proposed designation may be served on the City Clerk, Attention: Ellen Devlin, Administrator, Toronto and East York Community Council, Toronto City Hall, 100 Queen Street West, 2nd Floor, West, Toronto, Ontario, M5H 2N2, within thirty days of February 15, 2017, which is March 17, 2017. The notice must set out the reason(s) for the objection, and all relevant facts.

Dated at Toronto this 15th day of February, 2017.


Ulli S. Watkiss
City Clerk



Overland LLP
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January 17, 2017

VIA E-MAIL

Mayor Tory and Members of Council
2nd Floor, West Tower, City Hall
100 Queen Street East
Toronto ON M5H 2N2

Attention: Ms. Ellen Devlin
Secretariat

Your Worship and Members of Council:

**RE: 122-124 Peter Street and 357-359 Richmond Street West
TEYCC Item 21.9**

We are the solicitors for Fortress Carlyle Peter Street Inc. ("Fortress"), which is the owner of 122-124 Peter Street and 357 Richmond Street West. On behalf of our client, we are writing to express our client's preliminary concerns with the recommendations in the Staff Report dated November 15, 2016. We also spoke on behalf of our client at the Toronto Preservation Board meeting on December 9, 2016 in respect of this matter.

357 and 359 Richmond Street are typical examples of 19th century bay and gable buildings found throughout Toronto. In this case, the building has undergone significant alterations. For example, the interiors have been overhauled, all of the original exterior door, windows, frames and trims have been replaced, and the entire exterior has been reclad in dark grey stucco. Any restoration of these structures would be based on conjecture and interpolation from other contemporary buildings of similar design. We submit that any potential heritage integrity of these structures has been significantly compromised, and as a result, designation under Part IV of the Ontario Heritage Act would undermine a fundamental principle of good heritage planning.

122-124 Peter Street has been vacant for some time and is in a state of serious decline. The building has experienced structural damage that is evidence by the significant settlement of the front wall, and has further endured water damage, looted interiors, and the presence of mould and vermin. The Staff Report and recommendations are not informed by a condition assessment of this building.

The state of these buildings arise from circumstances that pre-date our client's ownership. In their current condition, we submit that the buildings do not warrant heritage designation. The properties provide an opportunity for an engaging architectural response that will

support the optimization of land use and infrastructure at this important intersection within King Spadina, which should be considered in conjunction with the Staff recommendations.

Thank you for your consideration of these concerns.

Yours truly,
Overland LLP



FOR  Per: Daniel B. Artenosi
Partner