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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**  
**92 Peter Street Inc.**

We are the solicitors for 92 Peter Street Inc., being the owner of the property municipally known as 92 Peter Street (the "**Property**"), which is located between King Street West and Adelaide Street West. The Property is within the area that is proposed to be designated as the King-Spadina Heritage Conservation District. 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, the Property is currently improved with a 16-storey hotel that is operated as the Hilton Garden Inn Toronto Downtown (the "**Hotel**"). Our client is proposing to construct a 5-storey addition to the Hotel (approximately 20.85 metres, exclusive of mechanical), which will contribute approximately 80 additional suites to the existing operations (the "**Proposed Development**"). The Proposed Development will support the evolving nature of King-Spadina in a manner that directly engages local and provincial policy supporting this form of development. A Minor Variance application to permit the Proposed Development was submitted on June 5, 2017, and it is scheduled to be heard by the Committee of Adjustment, Toronto & East York Panel, on October 11, 2017 (Committee File No. A0683/17TEY).

At the outset, we note that our client was not provided with notice of the release of the draft HCD Plan, 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 with sufficient opportunity to

provide comments that should inform the Staff recommendations and Council's decision on this matter.

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 the Property, 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. For example, we note that the proposed HCD Plan identifies the Property as a "non-contributing property." Section 7 of the HCD Plan sets out policies and guidelines for non-contributing properties. The policies themselves are described as "required components of the designating by-law and are not discretionary, unless otherwise indicated." The proposed policies deal with matters that will impact, amongst others, built-form of new development on non-contributing properties, including the Proposed Development. As a general proposition, mandatory policies without the benefit of a contextual analysis on a site specific basis are inappropriate and overly restrictive. In its current form, the HCD Plan will prevent appropriate change in the King-Spadina Area.

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 of Council, including the Toronto Preservation Board.

Yours truly,  
**Overland LLP**



Per: Daniel B. Arsenosi  
Partner  
c. S. Gupta, 92 Peter Street Inc.