

# DEVINE PARK LLP

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Matter No. S855-04

June 19, 2017

**DELIVERED BY EMAIL (teycc@toronto.ca)**

Toronto Preservation Board  
c/o City Clerk's Department  
2nd Floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

**Attention: Ms. Lourdes Bettencourt,  
Committee Secretary**

Dear Chair and Members of the Board:

**RE: Toronto Preservation Board Meeting of June 22, 2017**  
**- Item No. PB24.1**  
**- Designation of the King-Spadina Heritage Conservation District**  
**under Part V of the Ontario Heritage Act**  
**- Notice of Objection filed on behalf of Sun Life Assurance Company of Canada**  
**re: 100 Simcoe Street and 211 Adelaide Street West**

Please be advised that we the solicitors for Sun Life Assurance Company of Canada, the owner of the properties municipally known as 100 Simcoe Street and 211 Adelaide Street West. These properties are the subject of a current rezoning application.

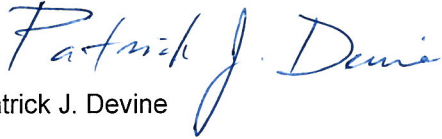
Recently, the City undertook to add the property at 100 Simcoe Street to the City's Heritage Register. For many cogent and compelling reasons, our client objected to the proposed listing. In that regard, the firm of ERA Architects Inc. prepared a detailed letter as to why 100 Simcoe Street should not be listed. Enclosed please find a copy of the submission made by ERA Architects Inc. to Toronto Preservation Board dated January 25, 2017.

For the reasons set out in the ERA Architects Inc.'s letter, we believe that the properties at 100 Simcoe Street and 211 Adelaide Street West should be excluded from proposed Heritage Conservation District Plan. Accordingly, we would ask that this action be taken by Toronto Preservation Board at its meeting held on June 22, 2017. In any event, would you kindly add my name to the list of persons to be notified of

any further actions by Toronto Preservation Board, Toronto and East York Community Council or City Council with respect to this matter.

Yours very truly,

**Devine Park LLP**

A handwritten signature in blue ink that reads "Patrick J. Devine". The signature is written in a cursive style with a large, looped initial "P".

Patrick J. Devine

PJD/mp  
Enclosure

cc: Sun Life Assurance Company of Canada  
c/o Bentall Kennedy (Canada) Limited Partnership



ERA Architects Inc.  
10 St. Mary Street, Suite 801  
Toronto, Canada  
M4Y 1P9

Attn: Lourdes Bettencourt, Committee Secretary

Toronto Preservation Board and Toronto and East York Community Council  
c/o City Clerk's Department

Email: teycc@toronto.ca

January 25, 2017

Dear Chair and Members of the Toronto Preservation Board and Chair and Members of the Toronto and East York Community Council:

**Re: 100 Simcoe Street, Inclusion on the City of Toronto's Heritage Register - Item No. PB20.2**

We have prepared this letter and the accompanying annotated photographs in response to the recommendation that City Council include 100 Simcoe Street on the City of Toronto's Heritage Register.

ERA and George Baird prepared a Heritage Impact Assessment (HIA), dated June 11, 2016, to accompany an application for development of the subject property. That HIA concluded that the integrity of the property's cultural heritage value and attributes had been compromised and, consequently, a sympathetic replacement building would be appropriate for the site.

We appreciate the additional research and archival images provided in the Staff Report supporting the recommendation (January 12, 2017). On the basis of this research, the Staff Report concludes: "While the Rolph and Clark Building was altered in the late-20th century, the property at 100 Simcoe Street retains its integrity and embodies its cultural heritage values and attributes."

We respectfully disagree and wish to reiterate our opinion that the integrity of the property, defined in the Toronto Official Plan as "a measure of [the] wholeness and intactness of the cultural heritage values and attributes," has been compromised. For the reasons that follow, we would also encourage Heritage Staff to reconsider their approach to heritage attributes for this property.

Standards and Guidelines

The Standards and Guidelines allow for certain alterations, additions and evolved elements to be included among a property's heritage attributes. However "not every change to an historic place has heritage value"; in order to meet the threshold for recognition as a heritage attribute, later changes should be deemed to "have value in their own right" (Standards and Guidelines, p. 25).

### Staff Report: Heritage Attributes at 100 Simcoe Street

While we agree that evaluating all the evolved elements of a property is critical to understanding its cultural heritage value, we believe certain attributes listed in the Staff Report warrant further consideration:

1. *“The placement, setback and orientation of the building on the west side of Simcoe Street between Pearl Street and Adelaide Street West.”*

The orientation of the building has been modified from its original design. Historically the building was oriented to the corner of Simcoe and Pearl Streets, visually emphasized by an elaborate cut stone doorcase, emphatic break in the cornice line and decorative cupola (all demolished).

The property address also emphasized the corner of Pearl and Simcoe streets. The building permits (for both north and south portions) and City Directories list the building address as the corner, while the advertisement for the new building in the 1906 directory lists the building address as “corner of Simcoe, Pearl & Adelaide streets”.

Today the entrance is through an unsympathetic modern opening on the east elevation and the building is no longer oriented to the corner.

2. *“The scale, form and massing of the five-storey building above the raised base with the window openings.”*

The scale, form and massing of the building have all been altered. The original four-storey design was modified to five storeys, which has resulted in completely different proportions from those that were intended by the original designers.

The embellished string course distinguishing the upper storey, the banded rustication accentuating the upper storey, the prominent cornice with dentil course, and the cupola have all been removed. The new window openings on the fifth storey are entirely modern and their wide proportions have no stylistic precedent on the building, nor in Edwardian Classicist design.

None of these alterations have heritage value in their own right and all have compromised the integrity of the original design. The original building was a thoughtfully ornamented four-storey composition; now it is a denuded five-storey functional building.

3. *“The flat roofline covering the complex.”*

The roofline has been altered. The original roof was historically topped by an ornamental cupola which crowned the architectural composition, now removed. The flat roofline should not be considered a heritage attribute because it has no heritage value in its own right and has compromised the integrity of the well-designed and highly ornamental original roof.

4. *“The fenestration on the south section (east and south elevations), with the flat-headed window openings with the stone lintels in the first, second and fourth stories and the segmental-arched window openings with the brick voussoirs and stone keystones in the third storey.”*

Historic photographs show the fourth storey windows originally had decorative brick jack arches, not stone lintels.

The fenestration on the south elevation has been substantially modified. The placement, size, and proportion of the first floor openings in the two easternmost bays are completely changed, compromising the rhythm of the original elevation. Moreover, the modern replacement windows have steel lintels and concrete sills.

The existing fenestration does not have heritage value in its own right and represents an adverse impact on the building’s integrity.

5. *“The entrance on the east wall of the south section, which is placed in the northernmost bay (the eighth bay from the south end) and reflects the late-20th century conversion of the building from industrial to commercial uses.”*

We appreciate the effort to acknowledge evolved building form in the statement of significance for this property; however we respectfully submit that, in this case, the late 20th-century interventions in the building fabric should not be considered heritage attributes because, again, they do not have heritage value in their own right.

We also note that the inclusion of this attribute seems inconsistent with the express omission of the entrance at the southeast of the building from the list of attributes, which is also a late 20th-century intervention that reflects the conversion of the building from industrial to commercial use.

6. *“The fifth storey, which was added in the late-20th century and extends across the north and south sections, with the complementary red brickwork with brick and stone trim, and the symmetrically-placed regular and oversized segmental-arched window openings that reference the shape and detailing of the third-storey openings.”*

Again, we respectfully submit that the late-20th century addition does not have heritage value in its own right and, in fact, represents an adverse impact on the building’s integrity.

The Standards and Guidelines urge that additions should be subordinate to and distinguishable from the original. Standard 11 provides that, “an appropriate balance must be struck between mere imitation of the existing form and pointed contrast, thus complementing the historic place in a manner that respects its heritage value” and “the addition must not detract from the historic place or impair its heritage value” (p. 34).

As mentioned, the additional storey changes the building’s scale and proportions. It also necessitated removal of the string course and the banded rustication on the upper storeys which served to horizontally unify the architecturally distinct north and south sections. While the addition uses complementary materials, it is not in the spirit of the architectural composition of the original designers. The oversized windows have no stylistic precedent on the building and are alien to Edwardian Classicism.

In our opinion and for these reasons, the additional storey does not have heritage value and should not be considered a heritage attribute.

#### Recommendations

Given the foregoing, we would strongly encourage Heritage Staff to reconsider the proposed list of heritage attributes for the property at 100 Simcoe Street. We maintain that, while it is important to acknowledge and conserve significant alterations to an historic property, taking an indiscriminate or overly inclusive approach will set a precedent to protect changes that do not truly contribute to the cultural heritage value of a property.

Furthermore, we stand by our conclusion and the conclusion reached by George Baird, that the integrity of this property’s cultural heritage value and attributes has been lost, that it is not worthy of recognition for its heritage value, and that replacement with a sympathetic building is appropriate.

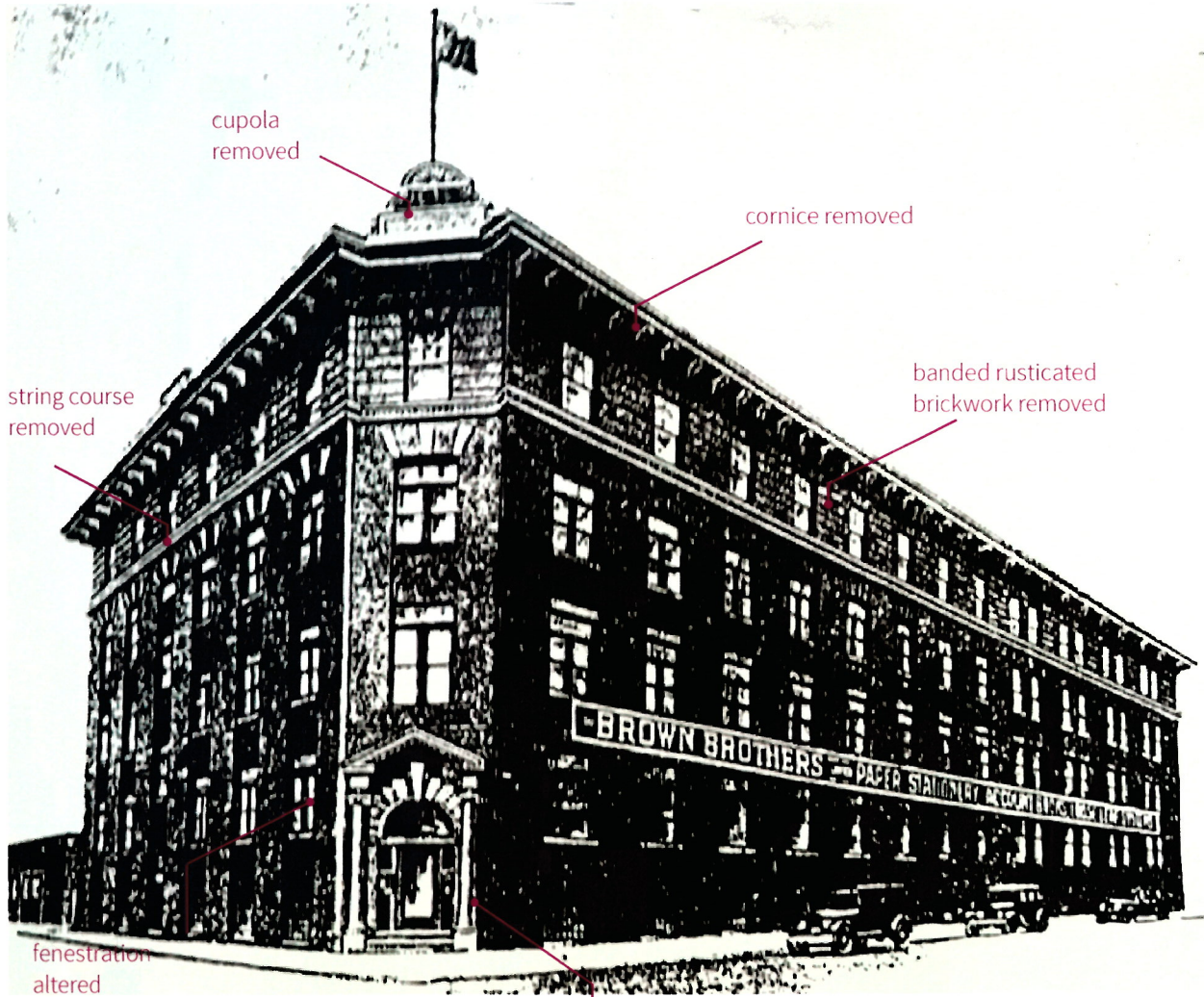
Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Evans', with a stylized flourish at the end.

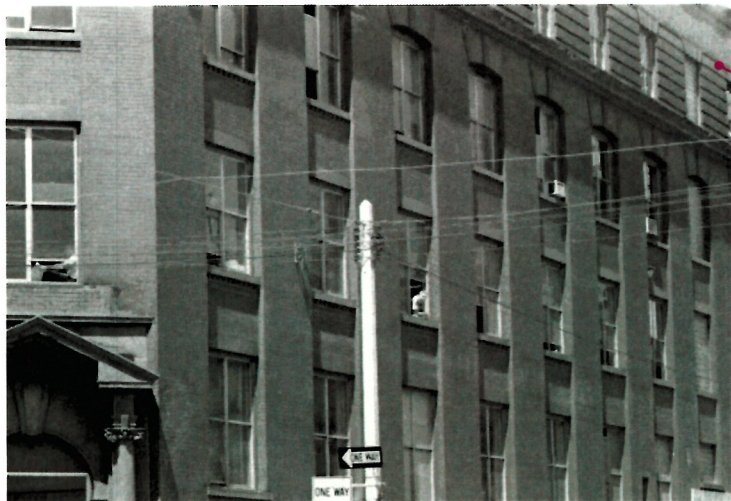
Philip Evans, BArch RAIC  
Principal, ERA

CC: Sherry Pedersen, Heritage Preservation Services  
Ellen Devlin, Administrator, TEYCC

# ANNOTATED PHOTOGRAPHS



1936



East elevation detail (1975) showing 4th storey windows originally had brick jack arches, not stone lintels

1973



change to scale and proportion

oversized windows with no stylistic precedent in historic design

building orientation changed; entrance added

2016



South elevation detail showing fenestration pattern and rhythm compromised

2016