

June 21, 2017

Our File No.: 123838

**BY EMAIL**

Toronto Preservation Board  
City of Toronto  
100 Queen Street West  
2<sup>nd</sup> Floor, West Tower, City Hall  
Toronto, Ontario M5H 2N2

Attn: Lourdes Bettencourt, Secretariat Contact

Dear Chair and Members of the Toronto Preservation Board:

**Re: PB24.1 Designation of the King-Spadina Heritage Conservation District  
under Part V of the Ontario Heritage Act (Ward 20)**

---

Aird & Berlis LLP represents a group of landowners who own property within the King-Spadina Heritage Conservation District (the "HCD") study area including, but not limited to, those listed in the attached Schedule "A". Collectively, our clients own more than 3.5 million square feet of property within the HCD study area.

On behalf of our clients, we have been actively involved in the consultation opportunities provided during the HCD process, including the initial consultation meetings associated with the study process in 2014, public consultation meetings in April 2015 and June 2016 prior to the release of the Draft King-Spadina HCD Study Plan (the "**Draft HCD Plan**"), and a meeting on March 31, 2017 hosted by Councillor Cressy following the release of the Draft HCD Plan. A number of our clients have also been in attendance at these meetings to share their concerns.

Upon receipt of the Draft HCD Plan in October 2016, the City provided a three week window for comments on the draft document. Accordingly, we took immediate steps to consult with each of our clients and their consultants and provided comprehensive comments on behalf of our clients in our letter dated November 14, 2016 (enclosed). We received no response to our letter in the nearly eight months between submitting our comments and the release of the HCD Plan, despite repeated requests to meet with Heritage Preservation Staff.

The proposed King-Spadina HCD Plan was released on June 15, 2017 (the "**HCD Plan**"). While we recognize it will not be considered by Toronto and East York Community Council, and subsequently Council, prior to the fall, we do note that the Toronto Preservation Board is being asked to recommend approval of the HCD Plan at its meeting on June 22<sup>nd</sup>, a mere week following the release of the HCD Plan to the public.

To put it simply, there has been no meaningful communication or consultation to the community who will be directly impacted by the HCD Plan in advance of it being brought forward to the Toronto Preservation Board. Moreover, there has been no response from

City staff to enquiries of questions raised with respect to specific issues (i.e. for example, why certain buildings are listed as “contributing”, the change in proposed boundaries for the Plan area, etc.). In our submission, this lack of response runs contrary to the requirement under the *Ontario Heritage Act* to consult and inform the community before adopting a heritage conservation district plan. Neither our clients nor their consultants have been able, in a week’s time, to thoroughly review and digest the changes to the HCD Plan.

**Accordingly, we request that the TPB receive the HCD Plan but make no recommendation at this time.**

We note that no outline or description of changes from the version released in October 2016 was provided in the accompanying Staff Report dated June 14, 2017 (the “**Staff Report**”). Many of the changes to the HCD Plan, such as subtle changes to the language of some of the Statements of Objectives, have complex implications for the rest of the document that must be carefully tracked and considered.

After an initial, preliminary review of the HCD Plan, we provide the following general comments:

- The HCD Plan has altered and extended the boundary of the HCD area and significantly changes the system of character sub-areas, but provides no rationale for these revisions.
- While it appears that the HCD Plan responds to some comments that were provided as part of the consultation process, for example, including a reference to the area’s designation as a Regeneration Area in the City’s Official Plan in the Statement of Cultural Heritage, there are a number of inconsistencies in how this statement is then referenced in the balance of the document. For example, Objective 2 refers to conserving the HCD’s period of significance, “particularly the early phase of residential development, and the later commercial phase of development” and makes no recognition of the residential development that has occurred since the mid-1990s.
- The HCD Plan lists a number of properties as contributing, but provides no explanation as to the reason for their contributing status. In fact, this iteration of the HCD Plan removes the built form description that was included as part of the Statements of Contribution for contributing properties in the Draft HCD Plan. There is no evidence in the Statements of Contribution that staff individually examined each contributing building to determine if it supported the HCD’s cultural heritage values, as is stated in the Staff Report.
- Our examination of the policies and guidelines to date suggests that the HCD Plan remains overly restrictive as to prevent appropriate change within the district through a diversity of built form. Overly restrictive policies and guidelines appear to contradict the intent of the guidelines. For example, policies pertaining to streetwall composition (7.7.1 to 7.7.3) require an imitative approach to design and appear to contradict Objective 12 which encourages “high quality architecture that is of its

June 21, 2017

Page 3

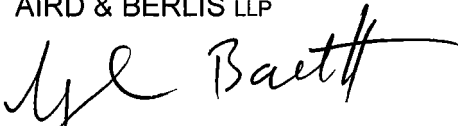
time." In another case, Objective 16 seeks to support the adaptive reuse of contributing properties, yet the policies and guidelines for alterations place heavy obligation and financial pressure on the owners of these properties, such as requiring the retention of attributes as detailed as window hardware.

**Based on the foregoing, we ask that the Toronto Preservation Board make no recommendation until private landowners and the community have an opportunity to review and provide meaningful comments on the HCD Plan.**

Thank you for your consideration.

Yours truly,

AIRD & BERLIS LLP



10: Eileen P. K. Costello

EPKC/MTB

Encl.

Schedule "A"

1107051 Ontario Ltd.  
1572654 Ontario Inc.  
214 King Holdings Limited  
217 Adelaide Holdings Limited  
2462582 Ontario Inc.  
321 King Street Residences Inc.  
450 Richmond Street West Limited  
456 Wellington Street Developments Inc.  
457 Richmond Street West Limited  
458728 Ontario Limited  
462 Wellington Inc.  
57 Spadina Avenue Inc.  
738489 Ontario Limited  
Allied Properties REIT  
Auburn Developments  
Blue Jay & Main Urban Properties Inc.  
Brant Park Inc.  
C Squared Properties 580 King Inc.  
Cabo Three Investments Inc.  
Camden House Inc.  
Century Acquisitions Limited  
Cityzen Development Corporation  
Concord Adex Developments Corp.  
Devgreat Inc.  
Diamond Corp.  
Easton's Group of Hotels Inc.  
Forty-Six Spadina Ave. Limited  
Frala Dick Holdings Inc.  
Great Gulf Enterprises Inc.  
Greenland 355 King Street West Development Company Limited  
Harhay Construction  
Kasol Investments  
King Charlotte Corp.  
King Financial  
L Richmond Corp.  
Lamb Development Corp.  
Pinedale Properties Ltd.  
Portland Property Spadina Inc.  
Portland Property Wellington Inc.  
Portwell Developments Inc.  
Projectcore Inc.  
Seniority Investments Ltd.  
Strashin Developments  
Stewart and Main Urban Properties Inc.  
Streetcar Developments Inc.  
The Harlowe Inc.  
Wellington and Main Urban Properties Inc.  
Wellington House Inc.  
Westbank Projects Corp.  
Wittington Investments  
YAD Investments Limited