

November 29, 2017

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

Toronto Preservation Board
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Ms. Lourdes Bettencourt, Board Secretary

Dear Chair and Members of the Toronto Preservation Board:

**Re: Inclusion on the City of Toronto's Heritage Register – King-Spadina
Properties
305 King Street West (the "Subject Property")
Toronto Preservation Board Meeting – November 30, 2017
Item PB27.2**

We are counsel to 2477879 Ontario Inc. and other companies listed in Appendix 1, the owners of the Subject Property.

We have reviewed the October 25, 2017 report from City Planning recommending that City Council include the Subject Property on the City of Toronto (the "City") Heritage Register (the "Staff Report"), which we understand will be considered by the Toronto Preservation Board (the "Preservation Board") at its meeting on November 30, 2017.

We are writing to request that the Preservation Board reject the recommendations found in the Staff Report to include the Subject Property on the City's Heritage Register. With respect, the Staff Report does not provide a sufficient basis for the inclusion of the Subject Property.

Background

On February 10, 2017 we appealed By-law No. 1186-2016 to the Ontario Municipal Board (the "Board") on behalf of our clients. This by-law designated King-Spadina as a Heritage Study Area for a period of one year. This by-law will expire on December 16, 2017.

We are also in the process of filing an appeal of By-law 1111-2017 on our clients' behalf. This by-law designates the King-Spadina Heritage Conservation District under Part V of the *Ontario Heritage Act* (the "Designation") and adopts the King-Spadina Heritage Conservation District Plan (the "HCD Plan"). The Subject Property is identified as a "contributing property" in the HCD Plan.

On behalf of our clients, we have written to the City on several occasions to express our concerns with the HCD Plan. One of our clients' main concerns, as expressed in our November 14, 2016 and June 21, 2017 letters, was that they had not been appropriately consulted prior to the release of the draft HCD Plan in October of 2016.

To our knowledge, the City has not engaged with the public or with individual owners since that time. Our clients continue to be of the view that a properly constituted HCD is one that actively involves property owners.

Statement of Cultural Heritage Value or Interest

The Staff Report states that the Subject Property will have no heritage protection once By-law 1186-2016 expires until the Designation and HCD Plan come into force. However, the fact that the Subject Property is identified as a "contributing property" in the HCD Plan is not enough to satisfy the provincial criteria found in Ontario Regulation 9/06.

Further, the Statement of Cultural Heritage Value or Interest for the Subject Property places emphasis on the setback, placement and orientation of the building on the south side of King Street West and notes that its scale, form and setback complement the properties at 291-301 and 315-321 King Street West. This reasoning is inadequate and unclear as the Subject Property is significantly setback from King Street West and the adjoining properties.

In our view, there is insufficient research to determine whether the Subject Property has heritage value and we are strongly opposed to its inclusion on the City's Heritage Register.

Thus, we urge City Council to reject the recommendations found in the Staff Report in relation to the Subject Property.

Kindly ensure that we receive a copy of the decision of the Preservation Board and City Council, and that we receive notice of any subsequent staff reports and/or public meetings concerning this item.

Should you have any questions, please don't hesitate to contact us.

Sincerely,
DAVIES HOWE LLP


per Kimberly L. Beckman

KLB:mk

copy: Deborah Scott, *Scott Shields Architects Inc.*
Wendy Nott, *Walker, Nott, Dragicevic Associates Limited*
Marcus Letourneau, *Letourneau Heritage Consulting Inc.*
Carl Bray, *Letourneau Heritage Consulting Inc.*
Clients

Appendix 1: Owners of the King Site

2477879 Ontario Inc.

1579661 Ontario Inc.

Claireville Holdings Limited

Frances Danyliw