

November 30, 2017

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

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

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

Dear Chair and Members of the Board:

**Re: PB27.2 – Inclusion on the City of Toronto’s Heritage Register – King-Spadina Properties  
372 Richmond Street West (the “Subject Site”)**

We are counsel to Canada Land Corporation (“CLC”), the owner of the lands known municipally as the Subject Site.

The Subject Site is identified as a “contributing property” in the King-Spadina Heritage Conservation District (“HCD”) Plan, which was adopted by Council on October 4, 2017. CLC intends to appeal the by-law designating the King-Spadina HCD and adopting the HCD Plan to the Ontario Municipal Board (the “Board”). CLC also appealed the King-Spadina HCD Study Area by-law, which was adopted on December 15, 2016 and will expire on December 15, 2017.

The Subject Site is now proposed to be listed on the City’s Heritage Register, along with the other “contributing properties” identified in the HCD Plan. The staff report prepared in this matter, dated October 25, 2017, states that the justification for this action is to ensure the “interim protection” of these properties until the HCD Plan and by-law comes into force.

CLC has been actively monitoring the process leading to the adoption of the HCD Plan and by-law since it commenced, and has raised its concerns with this process in numerous submissions. Our client has similar concerns with this proposed “batch listing” of “contributing properties” within the HCD Plan.

### **Inappropriate Application of Part IV of the *Ontario Heritage Act* (the “Act”)**

The City has been proceeding with the HCD designation process under Part V of the *Act* since initiating the study phase for this area in 2014. The HCD Plan and by-law have been appealed to the Board, and the appropriateness of this designation will be resolved by the Board at the appropriate time.

In our submission, City staff’s recommendation to “batch list” properties within the HCD area represents an inappropriate merger of the processes for identifying heritage resources under Part IV and Part V of the *Act*.

In recommending these properties for inclusion on the Heritage Register, staff has simply adopted the Statements of Significance prepared for each property in the context of the HCD Plan. CLC has previously raised concerns with the Statement of Significance identified for the Subject Site; namely that it is brief, generic, and fails to justify the identification of the Subject Site as a “contributing building”.

In any event, these Statements refer to the value of each property within the broader HCD; for example, properties are identified as having design value based on their construction during periods of development in the HCD area. However, the City has not carried out adequate study or evaluation of each property against the criteria set out in O. Reg. 9/06 to justify the listing of these individual properties on the Heritage Register.

The City has pursued a Part V designation process at great cost to both the City and individual landowners. It is unclear what justification exists for the further expenditure of resources on a Part IV process at this time. It is also premature in our view to list individual properties until the HCD designation process has been resolved at the Board, at which time the appropriateness of any proposed listing can be better assessed.

### **Continued Lack of Consultation and Meaningful Engagement**

CLC has repeatedly asked to meet with City staff to discuss heritage conservation as it applies to the Subject Site. These requests have been ignored.

The heritage conservation process for the King-Spadina area as a whole has not been transparent. Landowners are entitled to a clear understanding of what justifies inclusion on the Heritage Register based on a thorough analysis of the criteria set out in O. Reg. 9/06. The Statements of Significance appear to have been produced *en masse* and lack sufficient clarity to allow landowners and other stakeholders to effectively participate in a discussion about heritage value.

Finally, landowners were only notified of the proposed inclusion less than one week ago. Such minimal notice is inappropriate in the context of a large-scale heritage survey. Heritage conservation in the King-Spadina area should be community-driven and responsive to the evolving perspectives of the area’s property owners, residents,

and occupants. The success of this process depends on the confidence of those whose interests are most significantly impacted. Failure to prioritize their perspectives may result in the imposition of policies and guidelines that do not reflect a shared vision for the future of the area.

Please provide us with notice of any action taken with respect to this matter.

Yours sincerely,  
**DAVIES HOWE LLP**



Susan Rosenthal  
Professional Corporation

SR:am

copy: Client