

**Lawyers & Trade-mark Agents**

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January 16, 2017

By Email: teycc@toronto.ca

Administrator
 Toronto & East York Community Council
 City of Toronto
 100 Queen St. West, 2nd Floor
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Ronald Kanter

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Tanyka Thomas, Assistant

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 416.361.2615

Dear Ms. Devlin,

**RE: Proposed Garden District Heritage Conservation Plan
 TEYCC Agenda Item: TEY21.12
 Objection to Inclusion of 246, 250 & 252 Sherbourne Street.**

We have been retained by Arya Akbari Niggeh, who owns 246, 250 and 252 Sherbourne St. (the "**Properties**").

We object to the inclusion of the Properties, for the reasons set out in our previous correspondence to Heritage Conservation Services & the Toronto Preservation Board, dated Nov. 18 & Dec. 6, 2016, attached. There is no indication that our objections and concerns were brought to the attention of the Toronto Preservation Board when it approved the Conservation Plan.

In addition to our previous concerns, we also note that the Properties have no design, historical or social/community value, according to Garden District HCD Plan (the "**Plan**") Statement of Contributions, p. 22 & 25. We further note that they were built between 1913 & 1924 in a style described as "Vernacular/Edwardian Classicism". We understand that many of the house form buildings in the (former) City of Toronto could be similarly characterized. Therefore we question the inclusion of these Properties, while many buildings with similar characteristics are not included in this or other Heritage Conservation Districts.

I cannot attend the TEYCC on Jan. 17 at 10:30 am, since this item is scheduled at the same time as a pre-hearing concerning OPA 82, which also affects the Properties, at the Ontario Municipal Board. Please provide me with notice of all decisions of TEYCC and Toronto City Council concerning the adoption of the Plan.

Yours truly,
Macdonald Sager Manis LLP

A handwritten signature in black ink that reads "Ronald M. Kanter". The signature is written in a cursive style with a large initial 'R'.

Ronald M. Kanter

cc: Arya Akbari Niggeh
Jane McFarlane, Weston Consulting

Encl.



Lawyers & Trade-mark Agents

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December 6, 2016

Ronald Kanter
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By Email

Chair & Members,
Toronto Preservation Board
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Tanyka Thomas, Assistant
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**RE: PB 19.5: Arya Niggeh re 246, 250 & 252 Sherbourne Street & Garden District
Heritage Study**

We are writing further to our letter to Ms. Anson Cartwright of Toronto Heritage Preservation Services dated November 18, 2016, which has not received a response.

Our client objects to the inclusion of the above noted properties which he owns ("246-252 Sherbourne") within the draft Garden District Heritage Conservation District Plan (the "Plan"). As shown on a Map of "Contributing Properties" contained in the Sherbourne St. Sub-Area, attached, the 246-252 Sherbourne properties are generally surrounded by non-contributing properties.

On behalf of our client, I also object to a Report from the Chief Planner dated November 24, 2016 accompanying this agenda item. According to the Chief Planner's Report, Recommendation 3:

"If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, City Council direct the City Solicitor to appear before the Ontario Municipal Board to defend the By-law."

In my view, this Report completely negates your role as a body that Council is obliged to consult with respect to the Plan, pursuant to Section 41.1 (c) of the *Ontario Heritage Act*. If the City Planner has predetermined her position on the Plan, prior to and without regard to considering any submissions on the Plan raised at the Toronto Preservation Board, your Board cannot fulfill its statutory role as:

"A municipal heritage committee to advise and assist the council (emphasis added) on matters relating to [Parts IV & V of the Ontario Heritage Act]."

I also continue to object to scheduling a hearing concerning the Plan at Toronto & East York Community Council on January 17, 2017, at the very same time that OPA No. 82 is the subject of a Pre Hearing Conference at the Ontario Municipal Board.

Yours truly,
Macdonald Sager Manis LLP

A handwritten signature in black ink that reads "Ronald M. Kanter". The signature is written in a cursive style with a large initial 'R' and 'M'.

Per: Ronald M. Kanter

cc: Arya Niggeh
Jane McFarlane
OPA 82 Appellants



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November 18, 2016

tansonc@toronto.ca

Tamara Anson-Cartwright
Program Manager, Heritage Conservation Services
City Planning
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Ronald Kanter

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Tanyka Thomas, Assistant

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Dear Ms. Anson-Cartwright,

RE: Arya Niggeh re 246, 250 & 252 Sherbourne Street & Garden District Heritage Study

We are the lawyers for Arya Niggeh, the owner of 246, 250 & 252 Sherbourne Street (the "Subject Site"). We are writing further to your request dated Oct. 31, 2016 for consultation concerning the draft Garden District Heritage Conservation Plan (the "draft GDHCP") from the community, and your email dated November 14, 2016 refusing to extend the deadline for comments beyond today.

We understand that the draft GDHCP will be presented to the Toronto Preservation Board on December 7, 2016 and then be considered by the Toronto and East York Community Council on January 17, 2017.

As you likely know, the draft GDHCP is closely related to OPA No. 82, also respecting the Garden District, which has been appealed to the Ontario Municipal Board. On July 20, 2016, the OMB issued a Decision and Order in Case No. PL150374 stating that OPA 82 would be the subject of a further prehearing conference before the OMB – also on January 17, 2017.

The Subject Site owned by my client would be affected by both the draft GDHCP and OPA 82. However, the Jan. 17 date proposed for review of the draft GDHCP conflicts with the same date set months earlier by the OMB for a prehearing concerning OPA 82.

I again request you to extend the date for community consultation and the subsequent process for consideration of the draft GDHCP, so that I will have an opportunity to make representations on behalf of my client with respect to both the draft GDHCP and OPA 82.

Yours truly,
Macdonald Sager Manis LLP

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Per: Ronald M. Kanter
cc: Aryeh Niggeh
Jane McFarlane
Gord Whicher, City Legal

