

AIRD BERLIS

Eileen P. K. Costello
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

September 5, 2017

Our File Nos.: 124113 and 134723

BY EMAIL

Toronto and East York Community Council
City Clerk's Office
2nd Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Committee Administrator

Dear Community Council Members:

**Re: TEYCC Agenda Item TE26.14
Objection to the Designation of the King-Spadina Heritage Conservation
District under Part V of the Ontario Heritage Act generally and as it relates
to 49 Spadina Avenue and 517 Wellington Street West, including 495
Wellington Street West, 31 Portland Street and 510 Front Street West**

Aid & Berlis LLP acts for Portland Property Spadina Inc. the owner of 49 Spadina Avenue and Portland Property Wellington Inc., the owner of 517 Wellington Street West, including 495 Wellington Street West, 31 Portland Street and 510 Front Street West. Both properties are shown as "contributing" in Appendix C of the King-Spadina Heritage Conservation District (the "HCD") draft plan (the "Plan").

In addition to the concerns set out in the general letter dated today and filed on behalf of our larger client group, Portland Property Spadina Inc. and Portland Property Wellington Inc. specifically object to the insufficient process and resulting ill-conceived policies in the draft HCD Plan. These concerns were also expressed in a letter to Heritage Preservation Services dated November 14, 2016, which is attached hereto.

Our clients have been actively involved in the King-Spadina HCD process. Our clients have been owners and stewards of heritage properties in Toronto for generations and have been long time advocates for heritage preservation in the City. Our clients were actually engaged in the HCD process. In our clients' view, the process associated with the King-Spadina HCD has been profoundly disappointing. While our clients have invested time, money and energy into creating a workable HCD Plan, the City's approach – providing only two weeks for comments following the release of its first draft of the HCD Plan, and then failing to address serious issues with the second version of the draft Plan – is unreasonable and at odds with the City's guidelines for the creation of HCDs which speak to the process being community driven.

September 4, 2017

Page 2

Accordingly, by this letter, we ask that Community Council not accept the Staff recommendation to adopt the draft HCD Plan in its current form and direct Heritage Preservation Staff to undertake more meaningful consultation with the property owners in King-Spadina.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/MTB

Encl.

c. Client
30329874.1

AIRD BERLIS

AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

November 14, 2016

Our File Nos.: 124113 and 134723

Tamara Anson-Cartwright
Program Manager
Heritage Preservation Services
City Hall, 17th Floor, East Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2
tansonc@toronto.ca

Dear Ms. Anson-Cartwright:

**Re: Draft King-Spadina HCD Study Plan
Released for Public Review and Comment on October 25, 2016
Comments in Respect of 49 Spadina Avenue and 517 Wellington Street West,
including 495 Wellington Street West, 31 Portland Street and 510 Front Street
West**

Please be advised that Aird & Berlis LLP has been retained by Portland Property Spadina Inc. and Portland Property Wellington Inc. the owners, respectively of 49 Spadina Avenue and 517 Wellington Street West, which includes 495 Wellington Street West, 31 Portland Street and 510 Front Street West. Both properties are located within the draft Plan area and are shown as "contributing" in Schedule "C" to the draft Plan.

Our clients, over multiple generations, have valued and cared for the heritage resources on their respective properties. Our clients have undertaken sensitive investments in the mechanical equipment, in updating the heritage buildings to be accessible and support new users, all the while preserving the important heritage features on the properties.

As long time advocates for heritage preservation in the City, our clients have found both the process associated with the draft HCD Plan as well as the document itself to be a profound disappointment. For example, our clients participated in two years' worth of community meetings on the HCD study and then plan; at no time in that process were actual draft policies or guidelines shared with the very people that are responsible for conserving the built heritage within King Spadina. To then be given a mere two weeks to review a document as extensive and complicated as the actual draft Plan is unreasonable. Moreover, this approach seems directly at odds with the Council adopted guidelines for the creation of HCDs which speak to the process being community driven.

Additionally, the inclusion of mandatory setbacks for contributing properties, as well as for non-contributing properties which front onto certain streets in the draft HCD Plan area, is in the opinion of our clients' without any rational. The application of these setbacks, which are also referred to as being minimums as they relate to contributing properties, without any regard for the actual built form of the contributing property or the proposed addition, is contrary to established best practices. Additionally, the application of a 10m setback along Spadina Avenue ignores its generous right of way and the fact that setbacks are not a heritage attribute in an area where warehouse buildings – such as the one at 49 Spadina Avenue – were more often built on the lot lines.

November 14, 2016

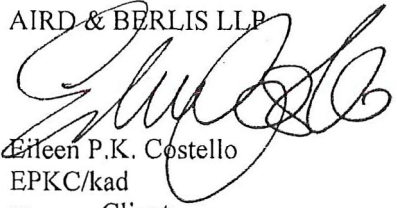
Page 2

Our clients view the draft HCD Plan as being ill-conceived and lacking in the appropriately nuanced approach which is necessary to truly conserve key heritage attributes in this important growth area of the City.

Our clients welcome the opportunity for meaningful consultation with HPS staff, and the City's consultant team, prior to the issuance of a modified draft HCD Plan.

Sincerely,

AIRD & BERLIS LLP


Eileen P.K. Costello

EPKC/kad

c: Client
City Clerk
Councillor Joe Cressy
Entertainment District BIA

27640768.1