

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Cynthia A. MacDougall
Partner
Direct Line: (416) 601-7634
Direct Fax: (416) 868-0673
Email: cmacdoug@mccarthy.ca



September 5, 2017

Via Email

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West, 2nd Floor
Toronto ON M5H 2N2

Dear Mr. Mayor and Members of Council:

**Re: Proposed King Spadina Heritage Conservation District Plan
Toronto and East York Community Council Item TE26.14
19 Duncan Street and 219-223 Adelaide Street West**

We are the solicitors for 19 Duncan Property Inc. (the "Company") which is the owner of the lands municipally known as 19 Duncan Street and 219-223 Adelaide Street West in the City of Toronto (the "Property"). The Property contains an existing five-storey building at 19 Duncan Street, which property has been designated under Part IV of the *Ontario Heritage Act*.

The Property is located within the area subject to the proposed King Spadina Heritage Conservation District Plan (the "HCD Plan").

The Property is the subject of a site-specific Zoning By-law Amendment which has recently been approved by the Ontario Municipal Board (final order withheld, subject to certain conditions) in order to implement a settlement which was endorsed by Council in July of this year. The Council-endorsed settlement provides for the redevelopment of the site with a 59-storey mixed-use development, including a substantial office component, and the appropriate conservation of the existing heritage building (the "Proposed Development"). In conjunction with the settlement, City Council approved the proposed alterations to the existing heritage property.

We are writing to express the Company's concerns with respect to the proposed HCD Plan as it would apply to the Property.

The Company is concerned that the proposed HCD Plan will impose inappropriate restrictions on the development of the Property that are not consistent with the Council-endorsed settlement which has been approved and is the awaiting final order from the Ontario Municipal Board. In order to ensure the appropriate implementation of the settlement for the Property, we would respectfully request that the Property be exempted from the proposed HCD Plan.

The planning and design analysis which underpinned the settlement referred to above demonstrates that the site specific attributes of the Property should properly lead to a different

result for the Property than the more general, area-wide standards provided for in the proposed HCD Plan.

We would be pleased to discuss these and the other concerns of the Company with respect to the proposed HCD Plan with City Staff. Please provide us with notice of Council's decision in this matter or of any future consideration by Council, Community Council, or any Committee.

Yours truly,

McCarthy Tétrault LLP



Cynthia A. MacDougall

CAM

c: Sharon Haniford
Lynda Macdonald
Michelle Knieriem
Anthony DeCarli