



**John M. Alati**  
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 File No. 703110

September 6, 2017

**By E-Mail Only to [teycc@toronto.ca](mailto:teycc@toronto.ca)**

Toronto and East York Community Council  
 2nd floor, West Tower, City Hall  
 100 Queen St. W.  
 Toronto, ON  
 M5H 2N2

***Attention Ms. Ellen Devlin, Secretariat***

Dear Chair and Members of Community Council:

**Re: Proposed Designation of the King-Spadina Heritage Conservation District  
 and Adoption of the King-Spadina Heritage Conservation District Plan  
 Toronto and East York Community Council Meeting, September 6, 2017  
 Item TE26.14  
 120 Peter Street, Toronto (the "Property")**

As you are aware, we are counsel to Ricki's Construction & Painting Inc. ("Ricki's Construction"), the owner the Property.

The Property is located within the boundary of the proposed King-Spadina Heritage Conservation District (the "HCD"). The proposed HCD Plan (the "Plan") has identified the Property as "contributing".

On June 30, 2016 and November 14, 2016, we wrote on behalf of our client to express our concern with the Plan. On behalf of our client, we also requested notice of all meetings and reports with respect to the Plan. Copies of our earlier correspondence are attached for ease of reference.

It has come to our attention that the proposed designation of the King-Spadina HCD and adoption of the Plan will be considered by Community Council at its meeting today.

Despite our requests, we did not receive notice that this matter was being considered. As such, we request that Community Council defer consideration of this matter in order to circulate proper public notice.

Should Community Council proceed to consider this matter, it is our view that our clients concerns that were identified in earlier correspondence remain unaddressed. As a

result, our client continues to object to the designation of the proposed HCD and adoption of the proposed Plan.

As previously requested, please notify the undersigned of any and all meetings and reports with respect to the Plan.

Yours truly,  
**DAVIES HOWE LLP**



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encl.:

copy: Client



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Please refer to: **John Alati**  
Email: [johna@davieshowe.com](mailto:johna@davieshowe.com)  
File No. 703044

June 30<sup>th</sup>, 2016

**By E-Mail Only to [lfreedm@toronto.ca](mailto:lfreedm@toronto.ca)**

Liora Freedman  
Community Planning, South District  
Toronto City Hall  
100 Queen Street West, 18<sup>th</sup> Floor, East Tower  
Toronto, ON.  
M5H 2N2

Dear Ms. Freedman:

**Re: King-Spadina Secondary Plan, East Precinct Built Form Study, &  
Heritage Conservation District Plan  
120 Peter Street**

Further to our previous request for notice sent to your attention, we are writing to re-confirm that we are requesting notice of any and all meetings, including open house, public, Council and committee meetings, and are requesting copies of documents, reports and background studies with respect to the following matters:

- King-Spadina Secondary Plan;
- King-Spadina East Precinct Built Form Study; and,
- King-Spadina Heritage Conservation District.

Furthermore, we object to our client's property being identified as a "Property with Heritage Potential". We are of the opinion that the property does not have any heritage value that would merit such a description. We would appreciate if you could advise us what supporting reports and analysis have been submitted in regards to our client's property in respect of its alleged heritage potential.



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Should you have any questions, please do not hesitate to contact me directly. We look forward to your response.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

John Alati  
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File No. 703044

November 14, 2016

**By E-Mail Only to [tansonc@toronto.ca](mailto:tansonc@toronto.ca)**

Tamara Anson-Cartwright  
Heritage Preservation Services, Program Manager  
Toronto City Hall  
100 Queen Street West, 17<sup>th</sup> Floor, East Tower  
Toronto, ON.  
M5H 2N2

Dear Ms. Anson-Cartwright:

**Re: Comments Regarding the Draft King-Spadina Heritage  
Conservation District Plan (the "Plan")  
120 Peter St. (the "Property")**

We are counsel to the owner of the Property which is located within the King-Spadina Heritage Conservation District (the "HCD"). The City of Toronto (the "City") has recently released the Plan for public input and comment. The Plan has identified the Property as one that "contributes" to the Simcoe/Peter/Richmond West/Adelaide West character sub-area (the "Sub-Area").

We object to the Property being classified as one that "contributes" to the Sub-Area. For the following reasons we are of the opinion that the Property does not have any heritage value that warrants such a description:

- Section 5.2.1 of the Plan indicates that residential building typologies are concentrated along John St., Widmer St., Portland St., Steward St. and Adelaide Place. The Property is not located in this area of concentration. There is little heritage value in deeming this isolated Property as contributing to the HCD;
- The façade of the Property has not been kept intact. Additionally, 118 Peter St., the southerly half of the semi-detached structure, has had a significant portion of the structure removed. As a result, the Property does not demonstrate the requisite continuous nature of the residential building typology;



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- Policies contained in section 6.1 and the associated guidelines to alter a contributing property are too onerous and will likely lead to the degradation and dilapidation of properties improperly characterized as “contributing”;
- Policy 6.3.3 indicates that historic lot lines of a property shall be referenced in determining appropriate setbacks and step backs. This may have the unintended consequence of preventing land assembly for the purpose of intensification. Intensification is, amongst others, a Provincial goal which may be undermined if policy 6.3.3 was stringently applied;
- Policy 6.4 respecting demolition is too restrictive. Particularly, the disassembly and reassembly of contributing properties is explicitly rejected. This leaves little, if any, opportunity to enhance, intensify or re-organize lands within the HCD in a creative or inspiring manner while still maintaining a properties heritage attributes;
- Policy 6.6 regarding maintenance is inappropriate in instances where a “contributing” property has already been altered such that it no longer maintains any cultural heritage value or cultural attributes;
- Policy 6.7 respecting building code compliance when upgrading contributing properties does not reflect the reality that original construction materials used may no longer be available, and if available, may not meet building code requirements;
- Policies contained in section 6.9 and associated guidelines regarding alterations of “contributing” properties is inappropriate as it does not contemplate situations where perceived heritage attributes have already been lost due to previous alterations. To require owners who wish to alter their properties to re-instate heritage attributes long since lost, and to complete a Heritage Impact Assessment as a precondition to altering a property is unduly onerous and burdensome. Additionally, this policy may preclude any reasonable intensification or re-purposing of sites throughout the HCD;
- Policies 6.9.4 and 6.9.5 do not reflect the situation where a property deemed “contributing” has already lost its heritage value or ability to contribute to the HCD;



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- The policies and guidelines included within section 6.10 requiring massing of additions to preserve the contributing properties three dimensional integrity will likely have the practical effect of preventing any changes or additions to these properties. This section also does not consider the situation, as reflected by the Property, where a significant portion of what might be considered the structures three dimensional integrity has already been removed, thus, undermining any massing or streetwall effect that may have once existed.
- The policies and guidelines contained in section 6.11 related to roofs is unduly onerous and cost prohibitive for property owners who are desirous of simply maintaining the structural and functional integrity of a roof;
- The policies and guidelines contained in section 6.12 related to exterior walls does not consider the situation, as reflected by the Property, wherein the exterior walls have already been significantly altered in such a way that any perceived heritage value has been lost and no longer visually maintains any purported heritage value;
- The policies and guidelines contained in section 6.13 related to windows and doors does not consider the situation, as reflected by the Property, wherein the windows and doors have already been replaced in such a way that any perceived heritage value has been lost and no longer visually maintains any purported heritage value.
- Additionally, policy 6.13 may lead to conflicts with Policy 6.7 where, for example windows, must be specifically manufactured to resemble heritage attributes but, as a result, may not meet modern day building code standards related to heat retention and efficiency, among others;
- The Plan provides no basis to support the suggestion that the Property may have general archaeological potential that may require an archaeological assessment be completed to permit activities as innocuous as landscape alterations that require only minor subsurface excavation. Kindly provide justification for the determination of general archaeological potential;





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- The changes made to the Property over time, combined with the building's existing condition, indicate that the Property does not warrant a "contributing" classification;
- Retention of only the façade of 118 Peter Street, which is the other half of the semi immediately to the south of the Property, renders retention of the Property impractical and in our view creates a "folly" rather than a legitimate heritage preservation effort.

Although the reasons noted above are preliminary, this should provide the City a sense of the scope of issues that must be addressed. We continue to object to the Property being classified as one that contributes to the Sub-Area as defined in the Plan.

The extensive and obvious alterations that the Property has undergone, which undermines any perceived heritage value that may have once existed, warrants the more appropriate classification of the Property as "non-contributing".

Please notify the undersigned of any and all meetings, including open house, public, Council and committee meetings, reports and background reports with respect to the Plan.

Yours truly,

**DAVIES HOWE PARTNERS LLP**



John M. Alati

JMA:AM

copy: Client