

# AIRD BERLIS

Eileen P. K. Costello  
Direct: 416.865.4740  
E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

October 16, 2017

Our File No.: 133834

BY EMAIL: [teycc@toronto.ca](mailto:teycc@toronto.ca)

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

**Attention: Ellen Devlin, Committee Administrator**

Dear Ms. Devlin:

**Re:       Agenda Item TE27.19  
          Intention to Designate under Part IV of the Ontario Heritage Act  
          422 and 424 Wellington Street West, Toronto  
          Letter of Objection**

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Aird & Berlis LLP represents Wellington House Inc., the owner of the properties known municipally as 422 and 424 Wellington Street West in the City of Toronto. Our client has filed an application for re-zoning to permit the redevelopment of the subject properties as a mixed use proposal, which application has been appealed to the Ontario Municipal Board. A central component of the development proposal for the subject properties is the retention of the existing building on the site in its 3 dimensional form. The development proposal contemplates shifting the listed building closer to the property line along Wellington Street and locating a new 19 storey tower in the rear of the subject properties.

On behalf of our client, we are writing to object to the proposed designation of the properties, and specifically to the inclusion the building's placement, setback and orientation as a reason for the designation. We provided detailed reasons for our objection in our letter to the Toronto Preservation Board dated September 25, 2017, enclosed. For the reasons set out in our previous correspondence, we ask Community Council to refuse staff's recommendation to designate the subject properties.

In the alternative, if Community Council is prepared to accept staff's recommendation to designate the properties, we respectfully request a deferral of this matter until such time as our client has an opportunity to discuss the report with staff, particularly how the HIA addresses the issues raised by staff in its report. We note that as the subject properties are already included on the City's Heritage Register and the properties are shown as "contributing" in the Heritage Conservation District Plan for King Spadina that has now been adopted by Council, there is no opportunity for a demolition to occur on this site, and nor has our client sought such a permit.

Finally, we ask that the undersigned be provided with notice of any further meetings of Council or Community Council at which this matter is considered, and notice of adoption of any designating by-law arising therefrom.

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Yours truly,

AIRD & BERLIS LLP

Eileen P. K. Costello

EPKC/MTB

Encl.

c. Client  
Kim Kovar, Aird & Berlis LLP  
GBCA Architects

AIRD BERLIS

# AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello

Direct: 416.865.4740

E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

September 25, 2017

Our File #133834

Toronto Preservation Board  
2nd floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ms. Lourdes Bettencourt email: [teycc@toronto.ca](mailto:teycc@toronto.ca)

Dear Members of the Toronto Preservation Board:

**Re: Intention to Designate under Part IV  
422 and 424 Wellington Street West, Toronto  
Letter of Objection**

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Aird & Berlis LLP represents Wellington House Inc., the owner of the properties known municipally as 422 and 424 Wellington Street West, City of Toronto.

Our client has filed an application for re-zoning to permit the redevelopment of the subject properties as a mixed use proposal, which application has been appealed to the Ontario Municipal Board. The proposal is consistent with the in-force Official Plan designation for the area and the site's location adjacent to higher order transit on Spadina Avenue. Furthermore, the City approved redevelopment of lands immediately on the south side of Wellington, known as The Well, with building heights up to 45 storeys, which forms part of the immediate context for the subject properties as does other development to the north, west and east of the site.

The existing building on the subject properties can be generally described as a 3-storey brick house form building dating from circa 1888. The building was placed on the City's Heritage Register in 2005. **A central component of the development proposal for the subject properties is the retention of the listed building in its 3 dimensional form.**

The development proposal contemplates shifting the listed building closer to the property line along Wellington Street and locating a new 19 storey tower in the rear of the subject properties. The interior of the listed building will be converted to retail space and the exterior building envelope will be preserved with the original fabric that remains there today. The heritage building will be adaptively reused and the heritage elements of that building will be retained.

The subject application to permit the rezoning was supported by a Heritage Impact Assessment ("HIA") prepared by GBCA Architects, a well-recognized heritage architectural practice in the City of Toronto. Importantly, this HIA was prepared on the basis of the properties being listed on the City's Heritage Register and in the context of the (then in progress) Heritage Conservation District

Plan for the King/Spadina area. Appropriate and due consideration to the heritage attributes of the subject properties was part of the development proposal from the outset.

The conclusion of the HIA is that the proposed shifting of the location of the listed building to the front of the lot, thereby allowing for a redevelopment which does not require the demolition or substantial alteration of the existing heritage structure, represents a good balance on the site. Particularly, the HIA concludes as follows:

**"It is our opinion that the integration of the new development creates minimal impacts on the existing listed building on the site and on adjacent heritage properties included in the proposed King Spadina HCD. The proposal is integrated in a manner that preserves the massing of the heritage building, addresses its height and scale and enhances its connection to its context. Overall its heritage integrity will be preserved."**

We note that the recently adopted amendments to the City of Toronto's Official Plan through OPA 199 expressly contemplates circumstances where a heritage building may be relocated on its site. In those circumstances, **the Official Plan policies direct property owners to ensure that "the portion of the heritage building or structure that contains the identified cultural heritage values and attributes is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed", which is precisely what is contemplated in this development proposal.** Our client's proposal to shift the building to the south does not significantly impact the original views of and relationship between the listed buildings and the public realm. In our submission, it is important to note that the building's relationship to Wellington Street and views of the building are not being compromised.

We also observe for the members of the Board who are unfamiliar with the site that the area in front of and behind the existing building is now occupied by vacant land which is used primarily for surface parking. There is nothing in the way of any original landscaping or context for the heritage building. Additionally, the majority of the original buildings which would have shared a similar setback to the listed building, particularly in the immediate vicinity, have been removed or replaced with other buildings with a different setback. Therefore, in our respectful submission, the context in which this building was originally located has been substantially altered such that the new location does not undermine the building's heritage attributes.

**For these reasons, and at this time, our client objects to the proposed designation of the properties, and specifically to the inclusion the building's placement, setback and orientation as a reason for the designation.**

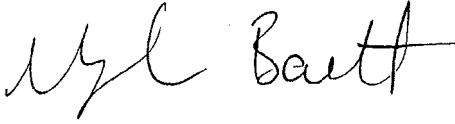
In the event that the Board is not prepared to accept our objection and instead accepts staff's recommendation to designate the properties, we respectfully request a deferral of this matter until such time as our client has an opportunity to discuss the report with staff, particularly how the HIA addresses the issues raised by staff in its report.

Finally, we note that as the subject properties are already included on the City's Heritage Register and the properties are shown as "contributing" in the draft Heritage Conservation District Plan for King Spadina (which is expected to be adopted at the next Council meeting), there is no opportunity for a demolition to occur on this site, and nor has our client sought such a permit.

September 25, 2017  
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Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Eileen P. K. Costello".

for: Eileen P. K. Costello  
EPKC/MTB/gt

c: Kim Kovar  
GBCA Architects  
Client

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