

November 29, 2019

Our File No.: 132033

BY EMAIL
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Toronto Preservation Board
City of Toronto
100 Queen Street West
2nd Floor, West Tower, City Hall
Toronto, Ontario M5H 2N2

Attn: Ellen Devlin, Secretariat Contact

Dear Chair and Members of the Toronto Preservation Board:

Re: Objection to Item PB12.5 – Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act* – 445, 447, 449 and 451 Adelaide Street West

We represent 445 Adelaide Street West Inc., the owner of 445, 447, 449 and 451 Adelaide Street West (the "Properties"). In its Report for Action, dated November 25, 2019, Heritage Preservation Services is recommending that the Properties be designated under Part IV, Section 29 of the *Ontario Heritage Act*.

The Properties are the subject of an ongoing zoning by-law amendment application that is under appeal to the Local Planning Appeal Tribunal. As part of the zoning by-law amendment application, ERA Architects Inc. ("ERA") prepared a Heritage Impact Assessment, dated August 1, 2017 ("HIA"). The HIA included a heritage evaluation of the Properties under Ontario Regulation 9/06, which concluded that the Properties do not possess sufficient design, associative or contextual value to merit individual designation under Part IV of the *Ontario Heritage Act*.

More specifically, the heritage evaluation concluded that the Properties are a relatively common example of late 19th century residential architectural in Toronto. They do not reflect a particularly rare, unique or early example of a style, expression, material or construction method, nor do they display a high degree of craftsmanship or technical achievement. The Properties have been altered over time. They have not been attributed to any significant architect, builder, designer or theorist and, therefore, do not contribute to an understanding of a community or culture. Additionally, the Properties are not landmarks nor are they singularly important in maintaining the character of the area.

When the HIA was filed with the City, the Properties were not recognized heritage properties. However, subsequently, the Properties were listed on the City of Toronto Heritage Register as part of the King-Spadina batch listing on December 5, 2017. Although the Properties are indicated as "contributing" properties in the King-Spadina Heritage Conservation District ("HCD"), the King-Spadina HCD Plan has been appealed to the LPAT and, therefore, not in force and effect.

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It is also important to highlight that, in 2005, the properties at 445-453 Adelaide Street West were the subject of a minor variance application to permit a 10-storey mixed-use building. This minor variance application was approved by the Committee of Adjustment (File No. A0853/05TEY) on the condition that the building be constructed substantially in accordance with the submitted plans which proposed to demolish and replace all existing buildings.

We disagree with the findings of heritage evaluation and object to staff's recommendation in the Report for Action, dated November 25, 2019. On this basis, we ask that the Toronto Preservation Board recommend refusal of Heritage Preservation Services' recommendation that the Properties be designated under Part IV, Section 29 of the *Ontario Heritage Act*.

Additionally, please provide us with notice of all upcoming meetings and decisions of Council, including Committees of Council, at which this matter will be considered.

Thank you for your consideration.

Yours truly,

AIRD & BERLIS LLP



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