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Our File No.: 153341

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Secretariat

Dear Sirs/Mesdames:

**Re: Item TE3.15 - Intention to Designate 64 Wellesley Street East under Part IV,
Section 29 of the *Ontario Heritage Act***

We are solicitors for the owner of the property known municipally as 64 Wellesley Street East (the "**Property**"). We are writing to express our concern with the City's processing of the staff recommendation that the Property be included on the City of Toronto's Heritage Register and that City Council express its intent to designate the Property under Part IV, Section 29 of the *Ontario Heritage Act*. We submit that a deferral of this item is required to enable the City to comply with the requirement for consultation under subsection 29(2) of the *Ontario Heritage Act*.

As noted in writing and through a deputation to the Toronto Preservation Board (the "**TPB**") on January 21st, our client received **no notice** that this item would be scheduled for the TPB until January 14th, when we discovered a notice of pending report on the agenda. This report was not posted to the TPB agenda until January 18th, which was the Friday before TPB's scheduled. Clearly, there was no ability for our client to review this staff report and provide a meaningful presentation to the TPB. We also submit that there was no opportunity for the TPB to review this report and provide meaningful consideration of the report's contents prior to its meeting on January 21st.

As such, we wrote to the TPB to request a deferral of the item, noting it would be manifestly unfair for this matter to proceed, while additional time may enable productive dialogue to occur. We noted that the City would not be prejudiced by such deferral because the existing building contains residential rental units so demolition cannot occur without a permit from the City of Toronto. We also noted that the hearing for the appeal of our client's development application is not scheduled until May 4, 2020.

At the TPB meeting on January 21st, numerous TPB members made concerning statements regarding the nature of the matter under consideration. As examples, TPB members incorrectly stated that they had no ability to defer the item, while the Chair noted that the item simply represented an effort to initiated dialogue regarding the proposed redevelopment of the Property in order to achieve a future heritage easement agreement. The TPB did not discuss the proposed designation and provided no meaningful advice regarding the proposed notice of intention to designate the Property or the proposed heritage attributes identified in the staff report.

Given the TPB's failure to consider this matter in an appropriate and fair fashion, we have serious concerns that the City has consulted with its appointed municipal heritage committee, as required by subsection 29(2) of the *Ontario Heritage Act*. Such consultation is a mandatory requirement prior to the City giving notice of its intention to designate the Property under subsection 29(1) of the *Ontario Heritage Act*. We respectfully submit that this matter must be referred back to the TPB to ensure that the TPB can fulfill its required statutory mandate.

Please also accept this letter as a request to be added to the notice list regarding this matter.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

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