



Eileen P. K. Costello
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February 14, 2019

BY EMAIL

Our File No.: 124113

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2
Email: teycc@toronto.ca

Attention: Ellen Devlin

Dear Members of the Toronto and East York Community Council:

Re: TE3.11 Alterations to a Heritage Property, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, and Authority to Enter into a Heritage Easement Agreement - 49 Spadina Avenue

Please be advised that Aird & Berlis LLP represents Portland Property Spadina Inc.

Our client has no objection to the City's intent to designate its property pursuant to Part IV of the Ontario Heritage Act. Indeed, our client has been working with City staff to reach a consensus in respect of the development proposal for the site. The proposal retains in its entirety the Steele Briggs Building while permitting appropriate intensification on the underutilized portion of the site in the form of much needed office development.

We are appreciative of the efforts of City staff, particularly in Heritage Preservation Services and Community Planning, to work with our client and its consultant team in arriving at a resolution to this matter.

We understand that staff will also be seeking, by way of motion, an additional requirement that our client withdraw its site specific objection to the King Spadina Heritage Conservation District Plan upon the issuance of an order from the LPAT allowing our client's related zoning by-law appeal. **We wish to advise the Community Council, as we have advised City staff, that our client has no objection in principal to the request that it withdraw its appeal of the King Spadina HCD.** Our client is prepared to withdraw its appeal of the King Spadina HCD Plan once building permits for the proposed development are issued by the City's Buildings Department. Additionally, our client is prepared to provide the City Solicitor with its withdrawal letter, to be held in escrow until the building permits are issued.

Because the designation by-law is "applicable law" under the Ontario Building Code Act our client must be able to demonstrate conformity with the designating by-law at the time of permit

issuance and a withdrawal of our client's appeal prior to permit issuance would leave it without a remedy in the event that there was an issue of conformity at a later date.

We will be in attendance at the TEYCC meeting and are prepared to answer any questions the Committee may have in respect of the above.

Thank you.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script, appearing to read "Eileen P. K. Costello".

Eileen P. K. Costello
EPKC

c: Councillor Cressy
Mary MacDonald
Chris Barnett
Matthew Longo
Client

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