

November 12, 2019

Our File No.: 182197

Via Email

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

Attention: Ellen Devlin, Secretariat

Dear Sirs/Mesdames:

Re: Item PB11.8 – Inclusion on the City of Toronto’s Heritage Register – Don Mills Crossing Properties

We are solicitors for Damis Properties Inc., the owner of the property known municipally as 7-11 Rochefort Drive (the “**Property**”). We write on behalf of our client to object to the inclusion of the building known municipally as 789 Don Mills Road (the “**Foresters Building**”) on the City of Toronto’s Heritage Register and to request deferral of the item.

The Property is located at the northeast corner of Don Mills Road and Rochefort Drive, within the Don Mills Crossing area. The Foresters Building is located immediately north of the Property, on the opposite side of Rochefort Drive.

The Don Mills Secondary Plan (the “**Secondary Plan**”), adopted by City Council in April of 2019 but not yet in force, purports to impose a protected view corridor to the Foresters Building from the south in a manner that bisects the Property. By letters dated May 21, 2019 and October 3, 2019, our client appealed the Don Mills Crossing Secondary Plan, and in particular the view corridor policy pertaining to the Foresters Building, partly on the basis that the Foresters Building does not meet the criteria for protection under the *Ontario Heritage Act*. Our client and its heritage consultants, ERA Architects, continue to question the significance of the Foresters Building. The Cultural Heritage Assessment conducted during the Don Mills Crossing Study does not provide a sufficiently compelling rationale for inclusion on the City’s Heritage Register.

In addition, proceeding with consideration of the Foresters Building today, without giving our client, its consultants or the public sufficient opportunity to review the materials the Toronto Preservation Board (the “**TPB**”) will be considering as purported justification for listing, is inappropriate and manifestly unfair. The staff report recommending the listing of the Foresters

Building was only made available late on Friday November 8th in advance of the TPB meeting the following Tuesday. The intervening weekend and Remembrance Day holiday has not given our client or its consultants sufficient time to analyze the statement of significance included with the staff report or prepare a presentation to the TPB. Indeed, it is unreasonable and unfair to expect the public to assess the rationale for listing with no business days between public posting and the TPB meeting considering the potential listing.

In the circumstances, we hereby request that any consideration of listing the Foresters Building on the City's Heritage Register be deferred to allow our client, its consultants and other members of the public to properly assess the materials the City has prepared in support of such listing, so that the TPB has the benefit of the public's views before making a decision on the matter.

Please also accept this letter as a request for notice of any decision made by the City in respect of this matter.

Yours truly,

Goodmans LLP



Max Laskin

MXL/

cc: Client

Andrew Pruss, ERA Architects