

November 29, 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: Lourdes Bettencourt, Secretariat

Dear Sirs/Mesdames:

Re: Item PB12.3 – 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**”). By letter to the Toronto Preservation Board dated November 12, 2019, we advised that our client has concerns regarding the proposed inclusion of the building known municipally as 789 Don Mills Road (the “**Foresters Building**”) on the City of Toronto’s Heritage Register. Upon review of the staff report and accompanying research materials purporting to justify the listing of the Foresters Building, we write to reinforce our concerns with the proposed inclusion of the Foresters Building on the City’s Heritage Register.

As summarized in our previous letter, the Don Mills Secondary Plan (the “**Secondary Plan**”) imposes a protected view corridor to the Foresters Building from the south in a manner that bisects the Property. That view protection policy is purportedly grounded in cultural heritage considerations relating to the Foresters Building.

Our client appealed the 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*. In addition, the identified view of the Foresters Building is not grounded in heritage planning principles or any substantive heritage analysis. Review of the staff report and attachments submitted in connection with the proposed listing of the Foresters Building has not changed the opinion of our client’s heritage consultants on these matters. Indeed, Attachment 3 to the staff report contains limited background information on the Foresters Building and does not appear to reflect rigorous research or analysis. As just one

example, Attachment 3 suggests that the Foresters Building is a landmark, without conducting the requisite analysis to justify that assertion.

Our client's appeal of the Secondary Plan policy pertaining to the Foresters Building is proceeding before the Tribunal, along with the appeal of another landowner in the Don Mills Crossing area. A case management conference is scheduled for December 11, 2019. Given that heritage issues pertaining to the Foresters Building are squarely before the Tribunal in the appeal, and given that the materials before the TPB include limited information to justify a listing, in our submission, any consideration of listing the Foresters Building on the City's Heritage Register is premature until the Tribunal has made a determination on the appeal. Accordingly, we urge the Board not to list the Foresters Building at this time.

Yours truly,

Goodmans LLP



Max Laskin

MXL/

cc: Client
Andrew Pruss, ERA Architects