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October 29, 2020

Our File No. 159908

## BY EMAIL

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

Attention: Ellen Devlin, Committee Administrator

Dear Chair and Members of the Toronto Preservation Board:

**Re: Toronto Preservation Board - Item PB18.4 – Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 41 and 47 Fraser Avenue and 135 Liberty Street**

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Please be advised that Aird & Berlis LLP represents Allied Properties REIT the owner of the properties known municipally as 41, 47, 47A, and 53 Fraser Avenue, 8 Pardee Avenue, and 135 Liberty Street (collectively, the “Allied Lands”).

The purpose of this correspondence is to object to the Notice of Intent to Designate the Allied Lands and, specifically, the nature and timing of the staff report and recommendation in this matter. Additionally, Allied Properties REIT respectfully requests that the Toronto Preservation Board (“TPB”) recommend that the Toronto East York Community Council (“TEYCC”) adjourn consideration of this matter and refer it back to Heritage Preservation Services (“HPS”) staff for further review and consultation with Allied Properties REIT and its consultants.

Our client has owned the Allied Lands since 2004 and has maintained and improved the lands, including making continual investments into the buildings to ensure their adaptive reuse and to attract a wide variety of employment generating businesses. The investment and care which has gone into the stewardship of the Allied Lands, long before they were even contemplated by the City for designation under the Ontario Heritage Act, is indicative of how our client values the properties within its portfolio.

As members of the TPB may be aware, Allied Properties REIT is one of the largest owners of commercial and industrial heritage properties in the City of Toronto. Our client has been responsible for the stewardship, adaptive reuse and investment into more than 4,700,000sf of such space, on properties both on and off the City of Toronto Heritage Register.

As it relates to the Allied Lands, our client together with its consultants, including heritage architects and planners, has been working cooperatively with Community Planning and HPS staff for nearly two (2) years to arrive at a consensus on the redevelopment potential of these

properties. A guiding objective has been to ensure the conservation of the cultural heritage value of the Allied Lands, and the broader Liberty Village area, is maintained.

That cooperation has extended to City staff requesting, and our client agreeing, to withhold even filing development applications for the Allied Lands notwithstanding that such applications were ready to be filed with the City over a year ago.

It is with great disappointment that Allied Properties REIT was advised by City staff, on Tuesday, October 20, 2020, of the fact of this report and recommendation coming to TPB. Further, our client's request for this matter to be adjourned to allow discussion to continue was ignored. Our client and its consultants have had limited time to review the report, which has clearly been in process for a considerable time. Notwithstanding this limited opportunity, our review has resulted in the identification of certain heritage attributes or value statements with which our client and its consultants do not agree.

Perhaps more importantly, Allied Properties REIT was continuing to work in good faith on potential revisions to its development proposal to respond to comments received from HPS and Community Planning Staff. The timing of this report, without notice to our client and in advance of our client's ability to respond to the comments received, is unfortunate and unfair in these circumstances.

The conservation of the cultural heritage value of this City cannot be undertaken by the City alone; it will only be truly successful with the cooperation and support of private landowners such as Allied Properties REIT. Given its extensive portfolio and unparalleled track record of conserving, restoring and redeveloping heritage properties – including those that are not designated – Allied is precisely the kind of landowner which the City should be working with as a partner. The decision of HPS staff to proceed in this unilateral fashion is unfortunate in so many ways and particularly in the message which it sends to other private landowners that true cooperation is not valued.

As a consequence of the above, we would respectfully request that the TPB:

1. recommend to the TEYCC that this matter be adjourned at this time; and further; and
2. recommend to the TEYCC that HPS staff be directed to continue discussions with our client and its consultant team in order to review and consider possible modifications to the Reasons for Designation in the context of the development proposal for the Allied Lands.

It should be the collective goal of all parties involved that reports such as these come forward with the input and consensus of the landowner, particularly one as engaged as Allied Properties REIT, and not in circumstances where objections are raised as a result of a lack of consultation and due process by City staff.

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We will be in attendance at the October 30<sup>th</sup> meeting of the TPB on this item and thank the members in advance for the opportunity to make submissions.

Yours truly,

AIRD & BERLIS LLP

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

Eileen P.K. Costello  
EPKC/lm

c: Allied Properties REIT  
ERA Architects