



November 29, 2020

Our File No.: 141712

Via Email

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

Attention: Ellen Devlin

Dear Sirs/Mesdames:

Re: Item No. PB19.10 – Inclusion on the City of Toronto’s Heritage Register – Forest Hill Village Properties (Ward 12)

We are solicitors for the owners of the property known municipally in the City of Toronto as 390-398 Spadina Road (the “**Properties**”). We understand the Toronto Preservation Board will consider the above-noted item at its meeting on November 30, 2020, as part of which staff have recommended that the property known municipally in the City of Toronto as 398 Spadina Road (“**398 Spadina**”) be included on the City of Toronto’s Heritage Register.

We are writing on behalf of our clients to object to the proposed listing. We believe that the proposed listing of 398 Spadina is a technical error because the Ontario Municipal Board (as it was then known) (the “**OMB**”) issued a decision to approve a settlement with the City of Toronto (and others) regarding the redevelopment of the Properties for a new mixed-use development that would not retain any of the existing structures on the Property, including the building on 398 Spadina.

As background, on April 30, 2015, our clients filed a rezoning application (City File No. 15 149456 STE 21 OZ) that proposed the redevelopment of the Properties as a 9-storey mixed use building consisting of 46 residential units. The rezoning application was refused by the City and Toronto and appealed to the OMB (Case No. PL160825). Through OMB-assisted mediation, the parties to the appeal (including the City of Toronto) reached a settlement, which was endorsed by City Council at its meeting commencing on March 26, 2018 (Item CC38.5).

In a decision issued on May 10, 2018, the OMB issued a Memorandum of Oral Decision and Order approving the redevelopment of the Properties, in principle, subject to a Section 37 Agreement

being registered on title. This decision attached drawings dated April 19, 2018, and, as noted above, none of the existing buildings on the Properties are to be retained.

Based on this history, and City Council's endorsement of the settlement and the OMB's approval of the redevelopment of the Properties, the proposed inclusion of 398 Spadina on the City of Toronto's Heritage Register appears to be an oversight and/or technical error that is inconsistent with the settlement and OMB decision.

On behalf of our clients, we would respectfully request that 398 Spadina not be included on the City's Heritage Register.

We would appreciate receiving notice of any decisions made in respect of this matter.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'DBronskill', written over a horizontal line.

David Bronskill

DB/

cc: Client

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