

## FASKEN

Fasken Martineau DuMoulin LLP  
Barristers and Solicitors  
Patent and Trade-mark Agents

333 Bay Street, Suite 2400  
P.O. Box 20  
Toronto, Ontario M5H 2T6  
Canada

T +1 416 366 8381  
+1 800 268 8424  
F +1 416 364 7813  
fasken.com

November 27, 2020  
File No.: 318445.00001/17900

**Sarah J. Turney**  
Direct +1 416 865 4542  
sturney@fasken.com

**By Email: teycc@toronto.ca**

Toronto and East York Community Council  
City Hall, 2<sup>nd</sup> Floor, West  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Sirs:

**Re: Proposed Heritage Designation of 2928 and 2930 Danforth Avenue (the “Properties”) – Written Submissions of 2659910 Ontario Ltd.**

We are lawyers acting on behalf of 2659910 Ontario Ltd. (the “**Owner**”), which is the owner of the above noted Properties.

Please accept this letter as the written submission in respect of the City’s proposal to include the Properties on the City of Toronto’s Heritage Register (the “**Proposal**”).

For the reasons set out below, the Owner objects to the Proposal.

### **Physical Separation of the Properties**

We refer to the staff report titled “Inclusion on the City of Toronto’s Heritage Register - Danforth Avenue (Coxwell Avenue to Victoria Park Avenue) and Dawes Road Properties” (the “**Report**”), which recommends that the Properties be included on the Heritage Register.

The Report states that the City’s goal is to preserve the “rows of two-storey brick storefront buildings” as well as the “consistency” of the “main street” streetscape. That goal is not strengthened by including the Properties on the Heritage Register.

The Properties form a distinct parcel and are physically distant from the other 165 buildings that are the subject of the Proposal. The other buildings form a generally continuous stretch along the “main street” streetscape, whereas the Properties are located almost an entire block away from the closest point on that main stretch. In fact, a large number of the buildings included in the Proposal fall within the 2700 series on Danforth Avenue. In contrast, the Properties are the only units being included from the 2900 series. This separation is also evinced by the Report, which classifies the Properties as being a “main street commercial *block*”, as opposed to the predominant classification of “main street commercial *row*” that the other Danforth buildings fall into.



# FASKEN

## **Criteria for Cultural Heritage Value or Interest**

The Report states that all of the buildings in the Proposal meet Ontario Regulation 9/06: *Criteria for Determining Cultural Heritage Value or Interest* (the “**Regulation**”). However, the criterion and policy goals of preserving “the character of an area” that is “representative of a style and construction method” as quoted from the Regulation, would still be met if the Properties were excluded from the Heritage Register. The Properties are not central to the goal of “defining, maintaining or supporting the character of the area”. As stated earlier, the Properties are physically separated from the rest of the buildings in the Proposal.

## **Hardship and Impact on Development**

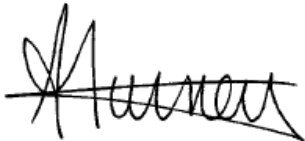
The neighbourhood in which the Properties are located is appropriate for development and, in fact, in need of revitalization. This can be seen in the photographs attached to this letter as Schedule “A”. The City should encourage growth in this transitional neighbourhood, which is located within a greater area that has benefitted from significant and rapid development.

Including the Properties on the Heritage Register will make it more difficult to develop and improve them in the future and will deter investment. As such, it is misleading for the Report to state that the adoption of the Proposal has no financial implications. The Proposal will deter investment in the Properties and, in turn, may restrict the value, and therefore the tax revenue, that can be derived from these Properties.

Please do not hesitate to contact me if you have questions regarding these submissions.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**



Sarah J. Turney

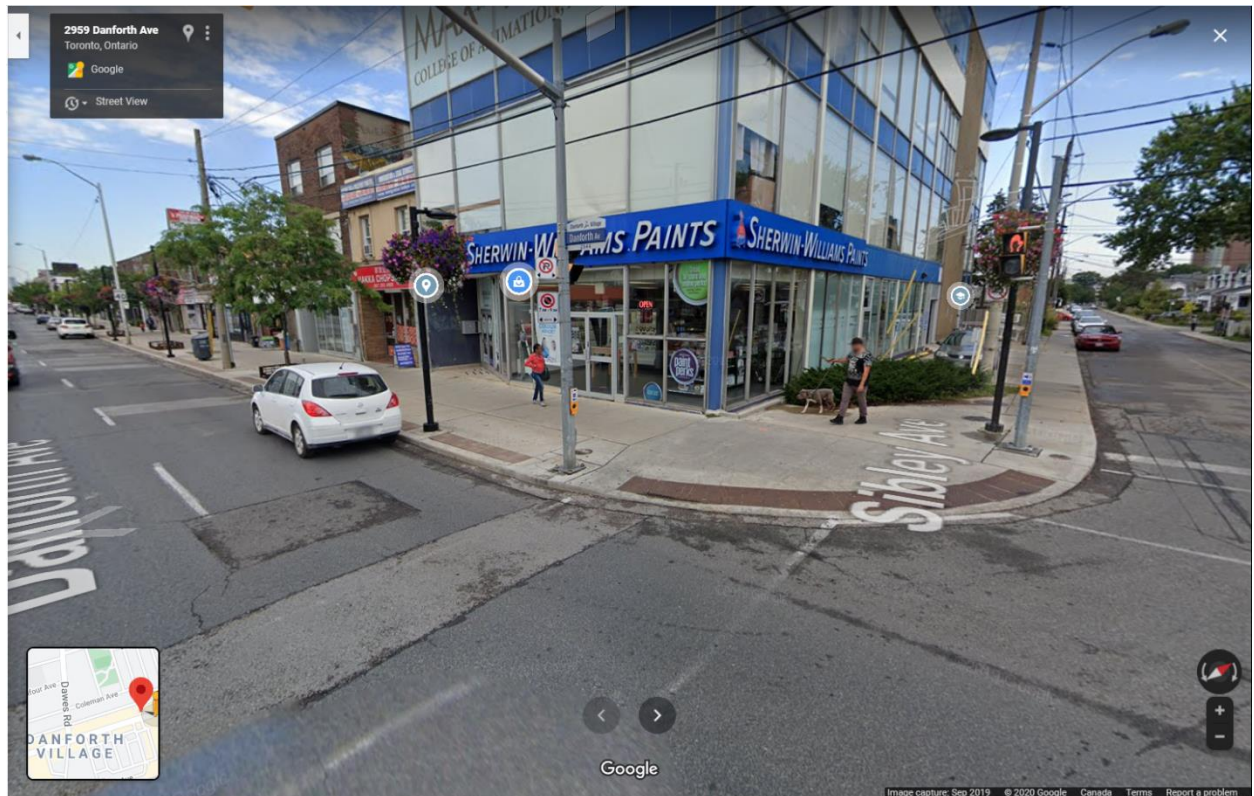
SJT/al



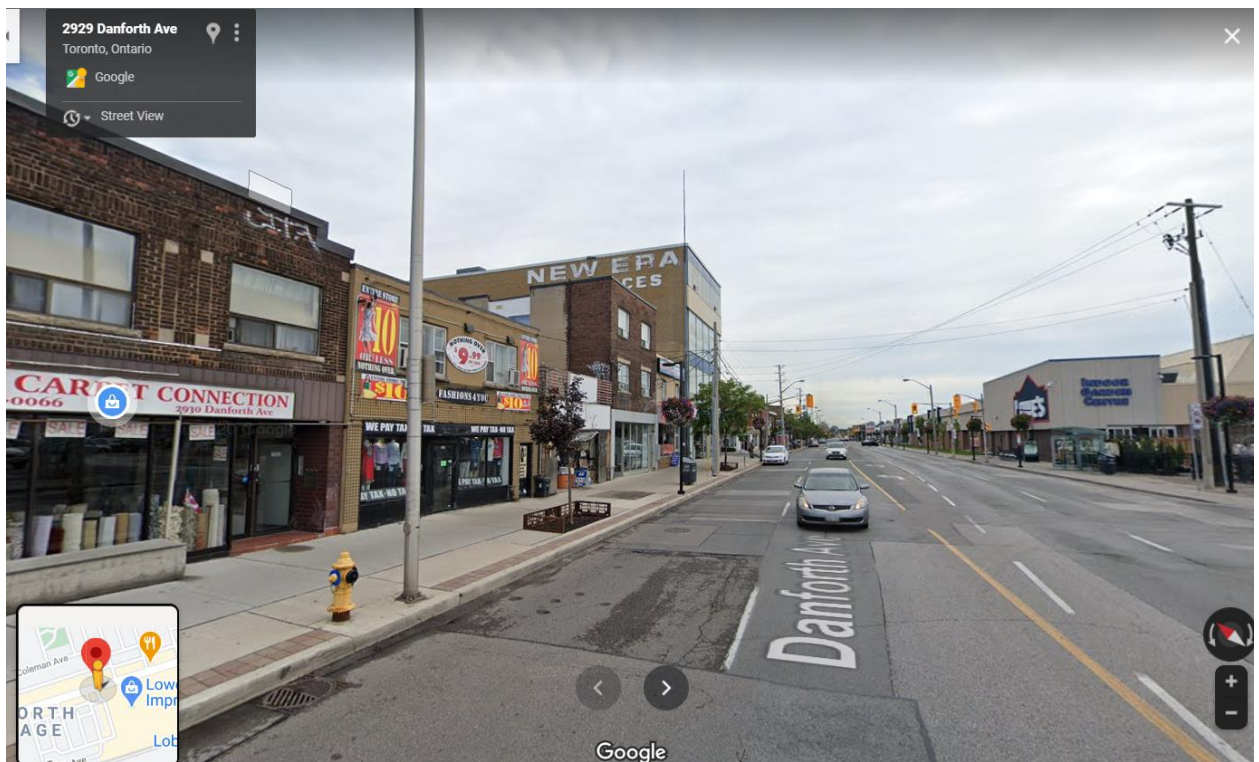
# SCHEDULE A



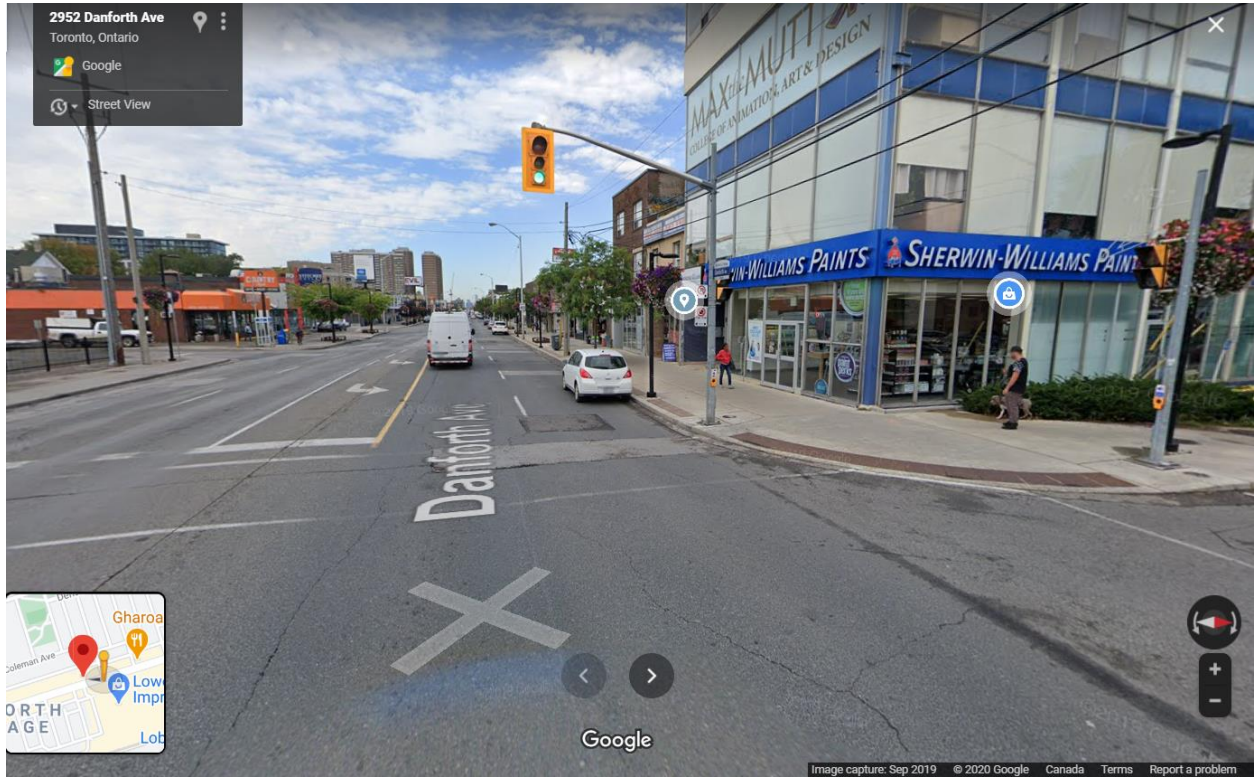
# FASKEN



# FASKEN



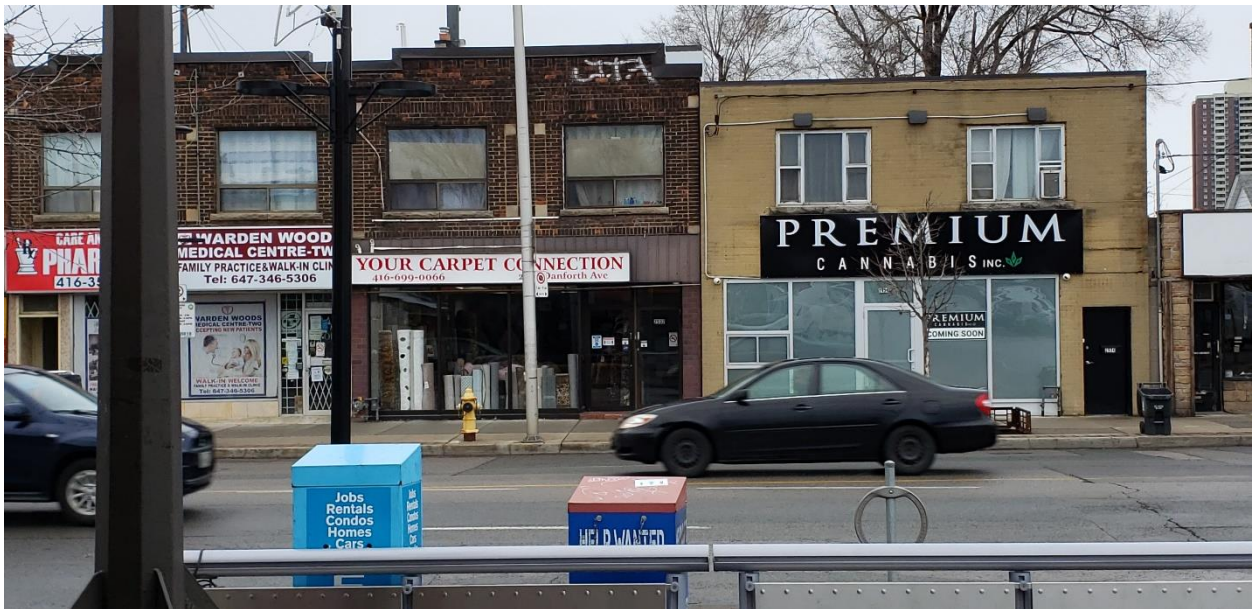
# FASKEN



# FASKEN



# FASKEN

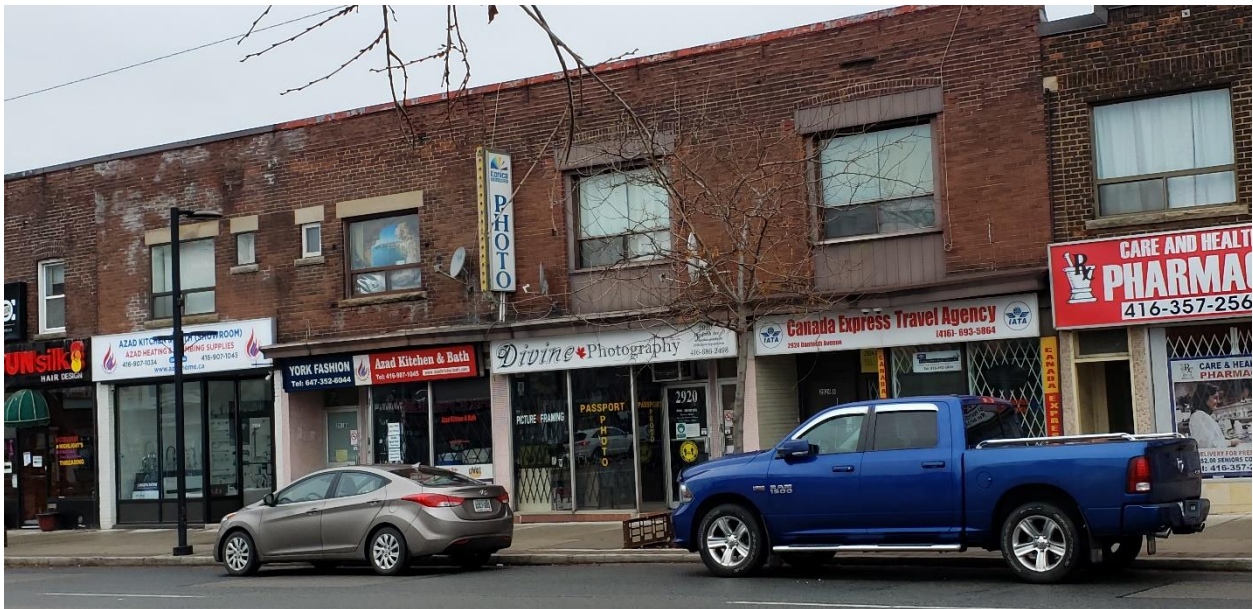




# FASKEN



# FASKEN



# FASKEN

