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November 30, 2020

Matter No. S855-04

DELIVERED BY EMAIL (teycc@toronto.ca)

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Attn: Ellen Devlin, Committee Administrator

Dear Chair and Members of Community Council:

RE: Toronto and East York Community Council Meeting of December 2, 2020
- Item TE21.15
- Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act*
- 100 Simcoe Street
- Letter of Objection

We are the solicitors for Sun Life Assurance Company of Canada, the owner of the lands known municipally as 90 and 100 Simcoe Street, 130 Pearl Street, and 203, 207 and 211 Adelaide Street West (the "**Site**"). We are writing on behalf of our client, and further to our correspondence dated November 25, 2020 to the Toronto Preservation Board, to provide written submissions respecting the proposed designation of 100 Simcoe Street under Part IV, Section 29 of the *Ontario Heritage Act*.

The Site is the subject of a rezoning application that was appealed to the Local Planning Appeal Tribunal in 2017. Since that time and despite the existence of an appeal, our client, its consultants, and City staff have been engaged in good faith discussions to negotiate a settlement that would permit the development of the Site with a mutually acceptable mixed-use building. Designation of 100 Simcoe Street under the *Ontario Heritage Act* at this time would be prejudicial to our client and adverse to the efforts it has taken to work collaboratively with the City.

Our client's heritage consultant, ERA Architects Inc. ("**ERA**"), has over the years, submitted correspondence to the Toronto Preservation Board and Toronto and East York Community Council setting out how the cultural heritage value and attributes of the building located at 100 Simcoe Street have been compromised and why, therefore, it was not appropriate to include the building on the City's Heritage Register nor to designate it under the *Ontario Heritage Act*.

For the reasons set out in the attached correspondence from ERA, we believe that 100 Simcoe Street should not be designated under Part IV, Section 29 of the *Ontario Heritage Act*. Accordingly, we would ask that no action be taken by Toronto and East York Community Council at its meeting to be held on December 2, 2020.

Yours very truly,

Devine Park LLP



Patrick J. Devine
PJD/MAC/sf

cc: Sun Life Assurance Company of Canada
c/o BentallGreenOak



ERA Architects Inc.
#600-625 Church St
Toronto ON, M4Y 2G1

November 30, 2020

Sent by EMAIL

Attn: Ellen Devlin, Administrator
Toronto and East York Community Council
e: teycc@toronto.ca

RE: TE21.15 - Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - 100 Simcoe Street

Dear Chair and Members of the Toronto East York Community Council:

This letter is issued on behalf of the property owner at 100 Simcoe Street, Toronto, to acknowledge the intent to designate under Part IV, Section 29 of the Ontario Heritage Act (OHA).

Please find attached a copy of a letter submitted to the TEYCC, dated February 21, 2017, and a letter and annotated photographs submitted to the Toronto Preservation Board (TPB) dated January 25, 2017. The letters and attachments should be distributed to the Chair and Members of the TEYCC at the upcoming TEYCC meeting, scheduled December 2nd, 2020.

Further to the TPB decision to move to list the building at 100 Simcoe St, we reiterate our position previously asserted, in response to the staff report dated January 17, 2017, that the integrity of the property's cultural heritage value and attributes have been compromised. The attributes listed are inaccurate and inhibit our ability to properly conserve the building.

At this time, ERA Architects (ERA), has been involved in a multi-year process with Heritage Preservation Services to develop a conservation strategy for the subject site. In 2018, both the city staff and our client agreed to collectively develop an appropriate conservation strategy rather than pursuing designation.

This collaboration included numerous heritage focused discussions, presentations and workshops with city staff resulting in various design iterations and explorations of conservation approaches. Progress made in this collaboration is exciting for both the city and the client.

Until the collaborative process with the city has been completed (or it has come to an end), the designation of this property is premature. Therefore, our client must object to the designation of the property at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Evans', with a stylized flourish at the end.

Philip Evans, BArch, OAA, CAHP, MRAIC
Principal, ERA



ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Canada
M4Y 1P9

Attn: Ellen Devlin, Administrator

Toronto and East York Community Council
100 Queen St. W.
Toronto ON M5H 2N2
Email: teycc@toronto.ca

February 21, 2017

Re: 100 Simcoe Street, Inclusion on the City of Toronto's Heritage Register - Item No. TE22.18

Dear Chair and Members of Toronto and East York Community Council:

Attached please find a copy of a letter and annotated photographs dated January 25, 2017 that was submitted to the Toronto Preservation Board. This letter and attachments should be distributed to the Chair and Members of the Toronto and East York Community Council for consideration at tomorrow's meeting.

Further to the TPB decision to move to list the building at 100 Simcoe Street, we still maintain our position that the building is *not a candidate for protection* under Part IV of the *Ontario Heritage Act* due to the compromised integrity of the 1907 building design, which is no longer intact and has little resemblance to the extant building.

In fact, it is our opinion that TPB and HPS have described unsympathetic alterations as attributes to be protected, including: an extra floor addition; a modified roofline; and recladding of original decorative elements. These are not only unsympathetic but also inconsistent with the recent HCD and HPS staff's recent approvals — in other words, these alterations would never be approved under HPS current practices. If the attributes are approved as described in the current listing, the ability to *restore* and/or *replace* would not be permitted.

We are more than willing to participate in a balanced approval process in which a consensus of cultural value is resolved, and would like to point to our track record of a collaborative design dialogue with HPS in achieving superior results in heritage conservation.

We are hopeful that our position on this matter will be taken into consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Evans', with a stylized flourish at the end.

Philip Evans, BArch RAIC
Principal, ERA



ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Canada
M4Y 1P9

Attn: Lourdes Bettencourt, Committee Secretary

Toronto Preservation Board and Toronto and East York Community Council
c/o City Clerk's Department

Email: teycc@toronto.ca

January 25, 2017

Dear Chair and Members of the Toronto Preservation Board and Chair and Members of the Toronto and East York Community Council:

Re: 100 Simcoe Street, Inclusion on the City of Toronto's Heritage Register - Item No. PB20.2

We have prepared this letter and the accompanying annotated photographs in response to the recommendation that City Council include 100 Simcoe Street on the City of Toronto's Heritage Register.

ERA and George Baird prepared a Heritage Impact Assessment (HIA), dated June 11, 2016, to accompany an application for development of the subject property. That HIA concluded that the integrity of the property's cultural heritage value and attributes had been compromised and, consequently, a sympathetic replacement building would be appropriate for the site.

We appreciate the additional research and archival images provided in the Staff Report supporting the recommendation (January 12, 2017). On the basis of this research, the Staff Report concludes: "While the Rolph and Clark Building was altered in the late-20th century, the property at 100 Simcoe Street retains its integrity and embodies its cultural heritage values and attributes."

We respectfully disagree and wish to reiterate our opinion that the integrity of the property, defined in the Toronto Official Plan as "a measure of [the] wholeness and intactness of the cultural heritage values and attributes," has been compromised. For the reasons that follow, we would also encourage Heritage Staff to reconsider their approach to heritage attributes for this property.

Standards and Guidelines

The Standards and Guidelines allow for certain alterations, additions and evolved elements to be included among a property's heritage attributes. However "not every change to an historic place has heritage value"; in order to meet the threshold for recognition as a heritage attribute, later changes should be deemed to "have value in their own right" (Standards and Guidelines, p. 25).

Staff Report: Heritage Attributes at 100 Simcoe Street

While we agree that evaluating all the evolved elements of a property is critical to understanding its cultural heritage value, we believe certain attributes listed in the Staff Report warrant further consideration:

1. *“The placement, setback and orientation of the building on the west side of Simcoe Street between Pearl Street and Adelaide Street West.”*

The orientation of the building has been modified from its original design. Historically the building was oriented to the corner of Simcoe and Pearl Streets, visually emphasized by an elaborate cut stone doorcase, emphatic break in the cornice line and decorative cupola (all demolished).

The property address also emphasized the corner of Pearl and Simcoe streets. The building permits (for both north and south portions) and City Directories list the building address as the corner, while the advertisement for the new building in the 1906 directory lists the building address as “corner of Simcoe, Pearl & Adelaide streets”.

Today the entrance is through an unsympathetic modern opening on the east elevation and the building is no longer oriented to the corner.

2. *“The scale, form and massing of the five-storey building above the raised base with the window openings.”*

The scale, form and massing of the building have all been altered. The original four-storey design was modified to five storeys, which has resulted in completely different proportions from those that were intended by the original designers.

The embellished string course distinguishing the upper storey, the banded rustication accentuating the upper storey, the prominent cornice with dentil course, and the cupola have all been removed. The new window openings on the fifth storey are entirely modern and their wide proportions have no stylistic precedent on the building, nor in Edwardian Classicist design.

None of these alterations have heritage value in their own right and all have compromised the integrity of the original design. The original building was a thoughtfully ornamented four-storey composition; now it is a denuded five-storey functional building.

3. *“The flat roofline covering the complex.”*

The roofline has been altered. The original roof was historically topped by an ornamental cupola which crowned the architectural composition, now removed. The flat roofline should not be considered a heritage attribute because it has no heritage value in its own right and has compromised the integrity of the well-designed and highly ornamental original roof.

4. *“The fenestration on the south section (east and south elevations), with the flat-headed window openings with the stone lintels in the first, second and fourth stories and the segmental-arched window openings with the brick voussoirs and stone keystones in the third storey.”*

Historic photographs show the fourth storey windows originally had decorative brick jack arches, not stone lintels.

The fenestration on the south elevation has been substantially modified. The placement, size, and proportion of the first floor openings in the two easternmost bays are completely changed, compromising the rhythm of the original elevation. Moreover, the modern replacement windows have steel lintels and concrete sills.

The existing fenestration does not have heritage value in its own right and represents an adverse impact on the building’s integrity.

5. *“The entrance on the east wall of the south section, which is placed in the northernmost bay (the eighth bay from the south end) and reflects the late-20th century conversion of the building from industrial to commercial uses.”*

We appreciate the effort to acknowledge evolved building form in the statement of significance for this property; however we respectfully submit that, in this case, the late 20th-century interventions in the building fabric should not be considered heritage attributes because, again, they do not have heritage value in their own right.

We also note that the inclusion of this attribute seems inconsistent with the express omission of the entrance at the southeast of the building from the list of attributes, which is also a late 20th-century intervention that reflects the conversion of the building from industrial to commercial use.

6. *“The fifth storey, which was added in the late-20th century and extends across the north and south sections, with the complementary red brickwork with brick and stone trim, and the symmetrically-placed regular and oversized segmental-arched window openings that reference the shape and detailing of the third-storey openings.”*

Again, we respectfully submit that the late-20th century addition does not have heritage value in its own right and, in fact, represents an adverse impact on the building’s integrity.

The Standards and Guidelines urge that additions should be subordinate to and distinguishable from the original. Standard 11 provides that, “an appropriate balance must be struck between mere imitation of the existing form and pointed contrast, thus complementing the historic place in a manner that respects its heritage value” and “the addition must not detract from the historic place or impair its heritage value” (p. 34).

As mentioned, the additional storey changes the building’s scale and proportions. It also necessitated removal of the string course and the banded rustication on the upper storeys which served to horizontally unify the architecturally distinct north and south sections. While the addition uses complementary materials, it is not in the spirit of the architectural composition of the original designers. The oversized windows have no stylistic precedent on the building and are alien to Edwardian Classicism.

In our opinion and for these reasons, the additional storey does not have heritage value and should not be considered a heritage attribute.

Recommendations

Given the foregoing, we would strongly encourage Heritage Staff to reconsider the proposed list of heritage attributes for the property at 100 Simcoe Street. We maintain that, while it is important to acknowledge and conserve significant alterations to an historic property, taking an indiscriminate or overly inclusive approach will set a precedent to protect changes that do not truly contribute to the cultural heritage value of a property.

Furthermore, we stand by our conclusion and the conclusion reached by George Baird, that the integrity of this property’s cultural heritage value and attributes has been lost, that it is not worthy of recognition for its heritage value, and that replacement with a sympathetic building is appropriate.

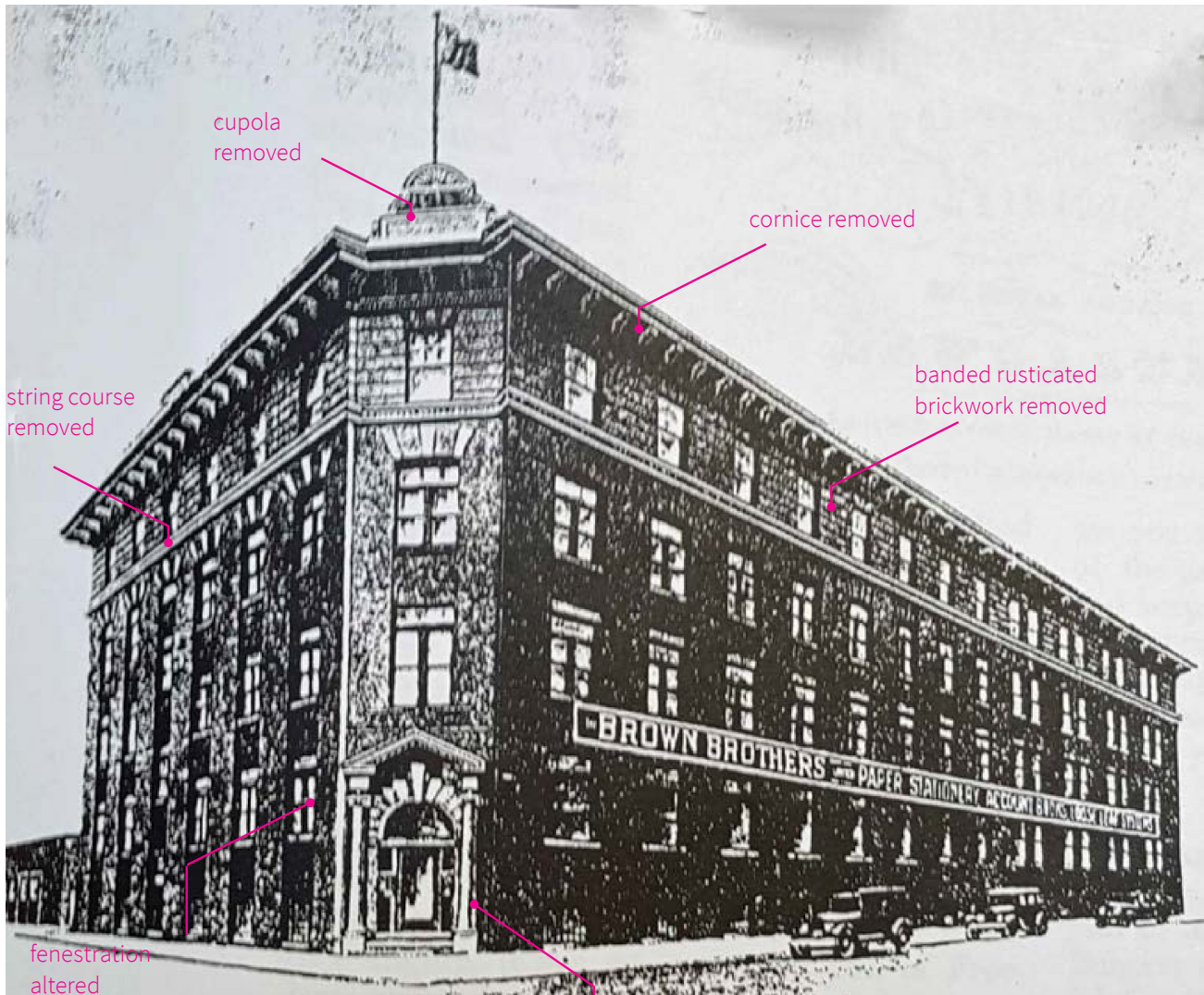
Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Evans', with a stylized flourish at the end.

Philip Evans, BArch RAIC
Principal, ERA

CC: Sherry Pedersen, Heritage Preservation Services
Ellen Devlin, Administrator, TEYCC

ANNOTATED PHOTOGRAPHS



cupola removed

cornice removed

string course removed

banded rusticated brickwork removed

fenestration altered

cut stone door surround removed

1936



East elevation detail (1975) showing 4th storey windows originally had brick jack arches, not stone lintels

1973



change to scale and proportion

oversized windows with no stylistic precedent in historic design

building orientation changed; entrance added

2016



South elevation detail showing fenestration pattern and rhythm compromised

2016