

ALLIED

November 16, 2021

Via Email: hertpb@toronto.ca

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

Attention: Ellen Devlin, Secretariat

Dear Sirs/Mesdames:

**Re: Toronto Preservation Board Meeting November 17, 2021
Item PB28.3 –Intention to Designate under Part IV, Section 29 of the Ontario
Heritage Act - 141 Bathurst Street and 579 Richmond Street West**

579-591 Richmond Street West Inc. (the “**Owner**”) is the owner of the properties known municipally as 141 Bathurst Street and 579-591 Richmond Street West (the “**Owner’s Property**”). Further to a report dated October 21, 2021, City Staff have recommended that Council state its intention to designate two portions of the Owner’s Property, being the properties municipally known as 141 Bathurst Street and 579 Richmond Street West, (the “**Identified Properties**”) under Part IV, Section 29 of the Ontario Heritage Act (the “**Staff Report**”).

On June 17, 2021, after pre-consultation with City staff and the local Councillor, a rezoning application for the Owner’s Property and the neighbouring lands known municipally as 149-161 Bathurst Street (the “**Phase 1 Lands**”) was submitted to permit a 12 storey non-residential office building with retail uses at the ground level (the “**Phase 1 Application**”). The Phase 1 Application was deemed complete as of September 3, 2021.¹ The Phase 1 Application comprises the first phase of a larger development which includes the neighbouring sites known municipally as 555 Richmond Street West and 550 Adelaide Street West (the “**Phase 2 Lands**”). All of the Phase 1 Lands and the Phase 2 Lands (together the “**Master Development Lands**”) are owned by entities related to Allied Property REIT (“**Allied**”).²

¹ A copy of this letter is attached hereto as Schedule “A ”

² A copy of a map illustrating the Phase 1 Lands, the Phase 2 Lands and the Mater Development Lands is attached hereto as Schedule “B”.

On October 27, 2021, the Owner executed the City's "Ontario Heritage Act Timeline Waiver and Consent to Extend Time Period" document and agreed to waive the 90 day period in which City Council must make a decision in respect of the Phase 1 Application for the Owner's Property under the *Ontario Heritage Act* (the "**Waiver**").³

Further to the need for ongoing discussion and clarification of a number of items noted in the Staff Report with City Staff including:

- the heritage attributes of the Identified Properties,
- the legal description of the Identified Properties,
- the potential impact of the Phase 1 Application on the heritage attributes;
- the appropriate approach to the conservation of the Identified Properties within the proposed development, and
- the fact that the Waiver has been executed,

We would ask that this item be deferred pending the ongoing review of the Staff Report and the Phase 1 Application.

If the item is not deferred and we are unable to address these issues, we will likely be required to object to any notice of intention to designate the Identified Properties in accordance with the requirements of the *Ontario Heritage Act*.

The Phase 1 Application:

The applicable policy documents indicate that the Phase 1 Lands and the Master Development Lands are suitable candidates for significant intensification. In particular, the Planning Rationale Report prepared by Bousfields Inc., concludes that the development of the Phase 1 Lands and the Master Development as a whole, would result in the desirable redevelopment of two prominent sites within the Downtown, which at present are each significantly underutilized in the context of the planning policy framework and the pattern of planned and existing development within this area. As noted in the Staff Report, the applications for the Phase 1 and Phase 2 lands are being reviewed concurrently and we have not yet received comments from City Planning Staff.

Ontario Heritage Act Requirements:

We understand that the Bill 108 changes to the *Ontario Heritage Act* have resulted in a restriction in City Council's ability to give notice of its intention to designate a property following the occurrence of a prescribed event including a rezoning application. At the same time, the regulations to the *Ontario Heritage Act* provide that an Owner and the City of Toronto (the "**City**") can agree that such a restriction does not apply or can agree to extend the timeframe of any such a restriction.

³ A copy of the Waiver is attached hereto as Schedule "C".

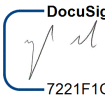
In accordance with the *Ontario Heritage Act* and its Regulations, the City and the Owner have agreed in the Waiver to waive the 90 day period in which City Council must make a decision in respect of the Phase 1 Application. In our mind, one of the key purposes of the Waiver was to provide both the City and the Owner the time required to review the Phase 1 Application and the heritage attributes of the Identified Properties to determine an appropriate approach to their conservation as part of the development proposed for the Phase 1 Lands.

We would therefore request that Item PB 28.3 be deferred to allow the Phase 1 Application review process to continue and we would request a meeting with Heritage Preservation Staff to continue the ongoing dialogue in regard to both the Staff Report and the Phase 1 Application.

As noted, if the item is not deferred and the noted issues are not resolved, we are likely be required to object to any notice of intention to designate the Identified Properties at this time in accordance with the requirements of the Ontario Heritage Act.

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

Yours truly,

DocuSigned by:

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Hugh Clark, Vice President

579-591 Richmond Street West Inc.

Schedule "A" Complete Application Letter



Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning

Gregg Lintern, MCIP, RPP
Chief Planner & Executive Director
City Planning Division

Toronto and East York District
18th Floor East Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Tel: (416) 392-0427
Fax: (416) 392-1330
Refer to: Joanna Kimont at (416) 392-7216
E-Mail: Joanna.Kimont@toronto.ca
www.toronto.ca/planning

Allied Properties Management Ltd. Partnership
c/o Hugh Clark
134 Peter Street, Suite 1700
Toronto ON M5V 2H2

September 13, 2021

**Re: Notification of Complete Application and
Assignment of Application under City's STAR Process**

Application No.: 21 172654 STE 10 OZ
Application to Amend the Zoning By-law to permit the redevelopment of the site with a 12-storey non-residential building containing retail uses on the ground level and office uses above. The heritage buildings at 141 Bathurst Street and 579 Richmond Street West are proposed to be incorporated into the development. The heritage buildings at 159-161 Bathurst Street are proposed to be demolished.
141, 149, 151, 153, 155, 157, 159, 161 Bathurst Street and 579, 589, 591 Richmond Street West
Southeast corner of Richmond Street West and Bathurst Street
Ward 10 – Spadina-Fort York

Notification of Complete Application

This will acknowledge receipt of your application set out above and confirm that the application meets the complete application submission requirements of the Planning Act and the Toronto Official Plan as of September 3, 2021. We are processing your application.

The planner handling this application is Joanna Kimont at 416-392-7216 or Joanna.Kimont@toronto.ca. Please confirm with this planner that the required sign has been erected, as indicated on the application form. When contacting this Division, please quote the address of the proposal and application number.

Please contact this planner if you have any questions about the processing of your application.

Yours truly,

A handwritten signature in black ink, appearing to read "Willie Macrae".

for Willie Macrae, Manager
Community Planning, Toronto and East York District

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cc: 159 Bathurst Street Inc, 134 Peter St Suite 1700, Toronto ON M5V 2H2
Councillor Joe Cressy

Complete Application Notice Coordinator, City Clerk's Office,
Etobicoke York Community Council

Ellen Devlin, Administrator, City Clerk's Office, Toronto and East York Community
Council

Schedule "B" Map



Schedule "C" Waiver



City Planning

Heritage Planning

ONTARIO HERITAGE ACT TIMELINE WAIVER AND CONSENT TO EXTEND TIME PERIOD

Owner Information (all required)

First Name Hugh		Last Name Clark	
Street Number 134	Street Name Peter		Suite/Unit Number Street
City/Town Toronto		Province ON	Telephone Number 416.646.2943
Corporation or partnership (if applicable)			Postal Code M5V 2H2
Email Address hclark@alliedreit.com			

Subject Property (if different from above)

Address of Subject Property (Street Number/Name): 141, 149-161 Bathurst Street, 579, 589 and 591 Richmond Street	
Describe location (closest major intersection, what side of the street is the land located): SE Corner of Bathurst & Richmond	Municipality: Toronto

Ontario Heritage Act (check one or more of which to waive or extend time)

☒ s. 29 (designation of a property);
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City of Toronto Heritage Permit Application Number (if applicable)

21 172654 STE 10 OZ

Type of application under the Planning Act (Official Plan Amendment, Plan of Subdivision, Rezoning if applicable)

Rezoning

I, Hugh Clark on behalf of 149-157 Bathurst Street Inc., 159-161 Bathurst Street Inc. and 579-591 Richmond Street West Inc. agree to the following:

(1) either (choose one):

(a) Waive the 90 day time period in which City Council must make a decision in respect of the above noted application under the Ontario Heritage Act; or

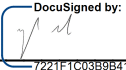
(b) Extend the time period until _____[insert date] under the Ontario Heritage Act; and

(2) Acknowledge that if this form is not submitted Heritage Planning may prepare a report recommending that Council state its intention to designate the subject property(ies) or recommending that Council refuse the application (where applicable) in order to meet the prescribed timelines under the Ontario Heritage Act.

If the owner is a coporation or partnership I have the authority to bind the corporation or partnership.

I hereby declare and acknowledge having read, understood and agree to the above consent and waiver.

Signature of Owner:


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Date:

2021-10-27

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