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Overland LLP
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December 1, 2021

VIA EMAIL

Mr. John Elvidge
City Clerk
Toronto City Hall
100 Queen Street West, 18th Floor, East Tower
Toronto, Ontario M5H 2N2

**RE: Toronto Preservation Board
221-227 Sterling Road
Item PB29.1**

We are the solicitors for 221 Sterling Road Holdings Inc. (the “**Owner**”), being the registered owner of the property municipally known as 221, 225 and 227 Sterling Road (the “**Property**”), and the subject of the above-noted item, which we understand is proceeding for consideration at the Toronto Preservation Board on December 3, 2021.

By way of background, our client submitted applications for draft plan of subdivision approval and zoning by-law amendment to the City on May 4, 2021 (City Files No. 21 151438 STE 09 SB and 21 151444 STE 09 OZ) (collectively, the “**Applications**”) to permit the redevelopment of the Property with three residential buildings of 20, 25 and 29-storeys above two residential podiums of 4 and 7 storeys. The buildings would be comprised of 892 residential units, including 23 live-work units and 33 rental replacement units, with a total of 417 vehicular parking spaces in two levels of underground parking. The proposal will facilitate the extension of Ruttan Street south to Sterling Road and it includes an on-site parkland dedication (collectively, the “**Proposed Development**”).

The Property is located within the boundary of the lands subject to the City-initiated *Bloor Street Study: St. Helen’s Avenue to Perth Avenue* (the “**Study**”). We enclose herewith our correspondence to the City in respect to the Study, where the City identified the Property as a potential heritage resource. As set out therein, we maintain that the existing building on the Property does not constitute a significant heritage resource worthy of conservation.

We have reviewed the Report from the Senior Manager, Heritage Planning, Urban Design, City Planning to the Toronto Preservation Board dated November 10, 2021 (the “**Staff Report**”). We respectfully disagree with the Staff Recommendation that City Council state its intention to designate the Property under Part IV, Section 29 of the

Ontario Heritage Act. We have a number of concerns with the basis upon which the Staff Recommendation is made, including the proposed Statement of Significance set out in Attachment 3 of the Staff Report.

However, for the purposes of this submission we note that the Staff Recommendation follows our client's previous waiver of the 90 day timeline that would otherwise apply under Section 29 (1.2) of the Ontario Heritage Act (the "**Act**"), in turn removing any practical compulsion for City Staff to proceed with a recommendation for designation while the Study (initiated by the City) and the Applications (initiated by the owner) are ongoing. We have enclosed a copy of the waiver and covering letter sent to the City on July 23, 2021 (the "**Waiver**"). In our correspondence, we specifically stated that *"our client is hopeful that this preliminary extension will provide an opportunity to develop with Staff an additional extension, subject to such terms that may be agreed to by the parties."* Our client has not since been contacted by City Staff to consider a potential further extension or agreement to suspend the timelines set out in Section 29 (1.2) of the Act, and our client was not advised that City Staff would be moving forward with the Staff Recommendation.

The recent amendments to Section 29 of the Act and the associated O. Reg 385/21 strike a balance between the importance of municipalities pursuing a potential Part IV designation within a specified timeframe following submission of prescribed Planning Act applications, while also providing flexibility to owners and municipal officials to waive or effectively suspend the prescriptive timeline. We submit that it remains appropriate to consider additional flexibility to the prescriptive timeline set out in Section 29 (1.2) of the Act in the present circumstance.

More specifically, our client and its consultant team have proposed a holistic approach with the City to consider the issues raised through the Study process, including as it relates to the role and opportunities that the Property presents for the regeneration of the surrounding area and Staff's proposed identification of heritage value on the Property. The Proposed Development and Applications provide an enhanced opportunity to properly plan for how the Property will contribute to the overall planning vision of fostering a complete and mixed-use community, that will support the optimization of land use and infrastructure, including existing and planned higher order transit, and perform a place-making function for the community as a whole.

For the reasons generally set out above, our client is requesting that this matter be deferred and that Staff be directed to reengage with the owner to implement a further extension or effective suspension of the timeline prescribed under Section 29 (1.2) of the Act. If this direction is provided to Staff, this correspondence will serve as our client's agreement to further extend the waiver by an additional 60 days to March 1, 2022 to allow

these discussions with Staff to occur during which a further waiver or an effective suspension of the timelines may be discussed.

Our client's request is intended to facilitate ongoing dialogue with Staff. To be clear, we reserve our client's right to raise further substantive concerns with the Staff Recommendation, including the right to file an objection to a future notice of intention to designate the Property and/or any proposed designation By-law that may be passed by City Council under Section 29 of the Act.

We appreciate your consideration of our submissions. We hereby request notice of City Council's decision in respect of this or any related matter, as well as any decision and consideration of this or any related matter by any Committees of Council.

Yours truly,
Overland LLP



Per: Daniel B. Arsenosi
Partner

Encl.

c. Tatum Taylor, City of Toronto HPS
Victoria Fusz, City of Toronto Planning

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June 24, 2021

VIA EMAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West, 18th Floor, East Tower
Toronto, Ontario M5H 2N2

Attention: John Elvidge, City Clerk

Dear Mayor Tory and Members of Council:

**RE: Bloor Street Study
Toronto East York Community Council – Item TE26.31
221-227 Sterling Road**

We are the solicitors for 221 Sterling Road Holdings Inc. (the “**Owner**”), being the registered owner of the property municipally known as 221, 225 and 227 Sterling Road (the “**Subject Property**”), which is located within the boundary of the lands subject to the City-initiated *Bloor Street Study: St. Helen’s Avenue to Perth Avenue* (the “**Study**”).

By way of background, our client submitted Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment to the City on May 4, 2021 (City Files No. 21 151438 STE 09 SB and 21 151444 STE 09 OZ) (collectively, the “**Applications**”) to allow for the redevelopment of the Subject Property with three residential buildings of 20, 25 and 29-storeys above two residential podiums of 4 and 7 storeys. The buildings would be comprised of 892 residential units, including 23 live-work units and 33 rental replacement units, with a total of 417 vehicular parking spaces in two levels of underground parking. The proposal will facilitate the extension of Ruttan Street south to Sterling Road and it includes an on-site parkland dedication (collectively, the “**Proposed Development**”).

We have reviewed the Report from the Director of Community Planning, Toronto and East York District dated May 31, 2021 regarding Item TE26.31 (the “**Staff Report**”). We are writing to provide our preliminary comments in respect of the Staff Recommendation, including the proposed planning framework discussed in the Staff Report and illustrated in Attachments 1 through 7 (the “**Proposed Framework**”).

At the outset, we note that our client has actively participated in the Study process to-date. We enclose hereto our earlier correspondence submitted to the City on behalf of our client dated April 21, 2021, as well as the correspondence submitted by our client’s planning consultants, Bousfields Inc., dated January 8, 2021.

The Subject Property is located within the area identified as “Character Area E” in the Proposed Framework. The Staff Report states that new development will be required to expand the public realm through the provision of new public streets, pedestrian connections, parks and open spaces and appropriately transition towards the low-scale residential areas to the east and west. The Staff Report further states that many of the characteristics of the Study Area’s industrial history remain in this character area and as a result, new development is to have considerations for heritage features and be sensitive to heritage buildings.

As shown on Attachment 5 (Public Realm Network Plan), there are a number of potential new public realm improvements contemplated on the Subject Property, including the southerly extension of Ruttan Street along the west side of the Property, new pedestrian connections, as well as the introduction of a new public park where the proposed southerly extension of Ruttan Street would connect to Sterling Road.

Our client supports the general objective of promoting a policy framework for the Study area that is intended to foster a complete and mixed-use community that will support the optimization of land use and infrastructure, including existing and planned higher order transit. Our client generally supports the introduction of new community infrastructure that will support the area in achieving this planning vision. To this end, the Proposed Development will facilitate the extension of Ruttan Street south to Sterling Road and it will include the provision of on-site parkland dedication. The Proposed Development has been designed to achieve a compatible built form relationship with the surrounding area, and will promote appropriate intensification that will support the optimization of land use and infrastructure.

The Staff Report identifies a number of properties as having potential cultural heritage value, including the property at 221 Sterling Road. Our client disagrees with this preliminary identification. The Subject Property has been evaluated as part of the Proposed Development by our client’s heritage consultant, Goldsmith Borgal & Company Ltd. Architects, as set out in the Heritage Impact Assessment (“HIA”) dated April 26, 2021 that was filed in support of the Applications. The existing building on the Subject Property is a modest example of early twentieth century industrial development in the City of Toronto. The building has been significantly altered over the years as part of the building’s adaptive reuse following its early industrial operations, which has had the effect of undermining any potential integrity that the building may otherwise have as a potential heritage resource. The HIA concludes that the building was researched and evaluated and it does not meet the criteria of cultural heritage value under Ontario Regulation 9/06.

The Subject Property is not a significant heritage resource worthy of inclusion on the Heritage Register. We submit that this more qualitative analysis of the Subject Property should be addressed now, through the Study process, in order to properly inform the Study’s findings and recommendations. This is of particular importance given the number of public realm improvements contemplated in the Proposed Framework, which will necessitate a change to the physical features of the Subject Property.

City Staff is not advancing a draft official plan amendment at this time to implement the Proposed Framework, which will require additional stakeholder consultation through a public process. As

noted in the Staff Report, the Study is not yet at a sufficient stage in the process to advance a proposed official plan amendment to implement the Study's findings. Notwithstanding, the Staff Report recommends that City Council endorse the Proposed Framework and direct Staff to review all current and future development applications against the Proposed Framework.

In addition to the concerns generally discussed above and in the previous correspondence submitted on behalf of our client, the Staff Recommendation raises a number of concerns of public process. While the Proposed Framework is generally discussed in the Staff Report and illustrated in Attachments 1 to 7, it does not constitute a policy framework that would otherwise be set out in an implementing official plan policy framework. Fundamentally, the Proposed Framework remains part of an ongoing Study, that is not yet complete, and has not been tested through the planning process mandated under the Planning Act. The Proposed Framework should not be treated as *de facto* official plan policy, and should not prejudice the consideration of development proposals, including the Proposed Development, that will otherwise implement the planned function of the Subject Property as a matter of provincial and City policy.

Our client welcomes the opportunity to work through the substantive issues identified herein with City Staff. The Proposed Development and Applications provide an enhanced opportunity to properly plan for how the Subject Property will contribute to the planning vision of fostering a complete and mixed-use community within the Study Area, that will support the optimization of land use and infrastructure, including existing and planned higher order transit. We therefore request that this matter be referred-back to Staff for further consultation with stakeholders, and that Staff be directed to advance a proposed planning framework through implementing planning instruments in accordance with the process mandated under the *Planning Act*.

Thank you for your consideration of this matter.

Yours truly,
Overland LLP



Per: Daniel B. Arsenosi
Partner

Encl.
c. Client

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April 21, 2021

Ms. Victoria Fusz
Senior Planner, Community Planning
City Planning Division
City Hall, East Tower
100 Queen Street West, 18th Floor
Toronto, ON , M5H 2N2

Dear Ms. Fusz,

**RE: Bloor Street Study
Community Consultation Meeting No.2 Presentation
221 Sterling Road Holdings Inc.**

We are the solicitors for 221 Sterling Road Holdings Inc. ("**Sterling**"), being the owner of the property municipally known as 221-227 Sterling Road (the "**Sterling Property**").

Our client has actively participated in the *Bloor Street Study: Perth Avenue to St. Helens Avenue* (the "**Bloor Street Study**") currently being undertaken by the City of Toronto, including the most recent Community Consultation Meeting No. 2 held on April 12, 2021. We are writing to provide our client's preliminary feedback in respect of the materials presented by City Staff at the Community Consultation Meeting (the "**April 12th Presentation**").

By way of background, our client previously submitted correspondence dated January 8, 2020 through its planning consultant, Bousfields Inc., following the public meetings held by City Staff in respect of the Bloor Street Study on November 5, 2020 and December 7, 2020, a copy of which is enclosed herewith. As stated therein, our client supports the general objective of promoting a policy framework for the Study area that is intended to foster a complete and mixed-use community that seeks to utilize and integrate high order transit.

Our client has also had a number of discussions with City Planning Staff and the local Councillor's office about a potential redevelopment of the Sterling Property. As part of this process our client has engaged a full consultant team to develop a proposal that responds to issues identified through these discussions.

The April 12th Presentation identifies the significant transit infrastructure, including higher-order transit infrastructure, that exists and is proposed in the Study Area. In general terms, much of the Study Area, including the Sterling Property, is within an area that meets the geographical criteria of a major transit station area as defined in the Growth Plan. As a matter of provincial and local official plan policy, these are areas intended to accommodate significant growth.

The April 12th Presentation further identifies a number of public realm improvements that are contemplated for the Study Area and the Sterling Property. Of particular note, the April 12th Presentation Materials identify two potential pedestrian connections, a potential new public park and a potential new street on the Sterling Property. The draft Character Area E development

considerations identified in the April 12th Presentation indicate that these public realm improvements are to be achieved through the redevelopment process.

Our client agrees that the Sterling Property provides an opportunity to facilitate a number of the identified public realm objectives through a transit-supportive mixed-use development that will support the goals of promoting the optimization of land use and infrastructure, including the significant higher-order transit infrastructure in the immediate *environ*.

The April 12th Presentation includes the Sterling Property as one of a number of "Identified Heritage Potential Properties." A photograph of an existing building on the Sterling Property is included in the Presentation, noting the building as built *circa* 1914. The April 12th Presentation appears to suggest that Staff may advance a recommendation to include Identified Heritage Potential Properties on the City's Heritage Register through a potential "listing".

The Sterling Property has been the subject of an extensive review by our client's consultant team, including its heritage consultant. The existing building on the Sterling Property is a modest example of early twentieth century industrial development in the City of Toronto. In addition, the building has been significantly altered over the years as part of the building's adaptive reuse following its early industrial operations, which has had the effect of undermining any potential integrity that the building may otherwise have as a potential heritage resource. The Sterling Property is not a significant heritage resource worthy of inclusion on the Heritage Register.

As a practical matter, our client is concerned that listing the Sterling Property on the Heritage Register will undermine the general objectives envisioned for the Property, including the public realm objectives envisioned as part of the redevelopment process, such as the potential new public road that would run along the front property line in close proximity to the existing building.

For the reasons generally discussed herein, we are requesting that City Staff reevaluate the potential recommendation to include the Sterling Property on the Heritage Register. In support of this request, our client would be pleased to assist Staff in undertaking a further, qualitative assessment of the Sterling Property.

Please provide us with notice of any further consideration of the Bloor Street Study by the City, including through future community consultation meetings, or meetings before City Council and any Committees of Council.

Yours truly,
Overland LLP



Per: Daniel B. Arsenosi
Partner

Encl.

c. B. Stern, 221 Sterling Road Holdings Inc.

January 8, 2020

Via Email

City of Toronto Community Planning
Toronto & East York District, Downtown Section
Attn: Diane Silver, Senior Planner
Toronto City Hall
100 Queen Street West, 18th Floor, East Tower
Toronto, Ontario M5H 2N2

Dear Ms. Silver:

**Re: *Bloor Planning Study - Perth Avenue to St. Helens Avenue
221-227 Sterling Road, Toronto***

We are the planning consultants for 221 Sterling Road Holdings Inc., the registered owner (the "owner") of the property municipally known as 221-227 Sterling Road (the "subject site"), which is within the boundary of the lands subject to the City-initiated Bloor Planning Study (the "study").

On behalf of our client, we are writing to provide our preliminary comments in respect to the information presented at the two City-led public meetings held on November 5, 2020 and December 7, 2020 in regard to the Bloor Planning Study.

In general, our client supports the objective of promoting a policy framework for the area that is intended to foster a complete and mixed-use community that seeks to utilize and integrate high order transit. It is a vision that our client shares and believes that any redevelopment of the subject site can assist by providing some of the key elements that have been initially conceptualized in the materials presented by City staff at the first two public meetings.

Given the subject site's proximity to the existing Bloor GO Transit/UPE station and the Dundas West and Lansdowne TTC subway stations, as well as the planned Bloor-Lansdowne GO RER station, the site represents an excellent opportunity for residential and mixed-use intensification that can contribute to the creation of a complete community within the study area. The subject site is also designated *Apartment Neighbourhoods* by the City's Official Plan, which permits apartment and small-scale retail uses. In this regard, the subject site can provide a meaningful residential development with opportunities for small scale retail that is consistent with this planned function and that will be compatible with the surrounding area.

With respect to additional information presented at the two public meetings, at this time we are unclear of what is intended by the "Industrial Legacy" Character Area classification generally, and how the proposed inclusion of the subject site within this Character Area may inform City staff's further planning vision for the subject site. We look forward to receiving additional information from City staff in the coming weeks/months on the further development of the intended vision and policy framework for the Industrial Legacy Character Area, as well as the other proposed Character Areas. In general planning terms, it is our opinion that such further study and proposed policy framework should reinforce the planned function of the subject site as *Apartment Neighbourhoods*.

Thank you for your consideration of this submission. Our client and its consultant team support the vision of creating a vibrant mixed-use community that will see positive and longstanding impact.

We request notice of any decision of this matter by Toronto and East York Community Council and City Council.

Yours very truly,

Bousfields Inc.



David Huynh MCIP, RPP

DH/jobs

cc. Barry Stern, 221 Sterling Road Holdings Inc.

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July 23, 2021

VIA EMAIL

Mayor Tory and Members of City of Toronto Council
City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ms. Anne Fisher
Project Manager, Toronto and East York, Heritage Preservation Services

Your Worship and Members of Council:

**RE: 221 Sterling Road
Ontario Heritage Act Timeline Waiver and Consent to Extend Time Period**

We are the solicitors for 221 Sterling Road Holdings Inc. (the "**Owner**"), being the registered owner of the property municipally known as 221 Sterling Road (the "**Subject Property**").

By way of background, our client submitted Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment to the City on May 4, 2021 (City Files No. 21 151438 STE 09 SB and 21 151444 STE 09 OZ) (collectively, the "**Applications**") to permit the redevelopment of lands that include the Subject Property with three residential buildings of 20, 25 and 29-storeys above two residential podiums of 4 and 7 storeys. The buildings would be comprised of 892 residential units, including 23 live-work units and 33 rental replacement units, with a total of 417 vehicular parking spaces in two levels of underground parking. The proposal will further facilitate the extension of Ruttan Street south to Sterling Road, and it will include an on-site parkland dedication (collectively, the "**Proposed Development**").

Our client has also been activity involved in the City-Initiated *Bloor Street Study: St. Helen's Avenue to Perth Avenue* (the "**Study**"), which is intended to result in a future planning framework to guide growth and future development for the area generally bounded by: the north side of Bloor Street West, St. Helen's Avenue to the east, the Kitchener GO Rail corridor to the west and Sterling Road to the south. Through the Study process, City Staff have identified a number of properties as having potential cultural heritage value, including the Subject Property.

On July 15, 2021, our client received a communication from City Staff requesting that our client complete a waiver form (the "**Waiver Form**") that would extend the recently introduced timelines under the Ontario Heritage Act (the "**Act**") for the City to proceed with issuing a notice of intention to designate the Subject Property under Section 29 (1.2) of the Act. The communication further advised that if the Waiver Form was not submitted to the City by August 6, 2021, then Staff will provide a report for consideration at the Toronto Preservation Board at its September 2021

meeting recommending that City Council issue a notice of intention to designate the Subject Property.

Based on the Heritage Impact Assessment prepared by Goldsmith Borgal & Company Ltd. dated April 26, 2021 and filed in support of the Proposed Development, our client disagrees with the preliminary identification of the Subject Property as having potential cultural heritage value or interest through the Study process. At this juncture, however, our client understands that Staff has identified a preliminary interest in the existing structure on the Subject Property as being a potential candidate for conservation.

In our view, further progress should be made through the Application review process before the City commits to issuing a notice of intention to designate the Subject Property. We submit that the Applications provide an appropriate process to determine the future redevelopment potential of the Subject Property including as is it pertains to the existing structure. Our client's intention is to advance further discussions with Staff in this regard, and it appreciates the practical procedural concerns resulting from the new timelines imposed under the Act. Accordingly, please find enclosed the completed Waiver Form confirming that our client agrees to extend the timelines to December 31, 2021.

This extension is intended to provide our client and the City with additional time to consider and develop a process and framework to allow for ongoing review of the Proposed Development without compelling, by necessity, a decision to proceed with a notice of intention to designate the Subject Property over concerns that failing to do so will prejudice the City's right to proceed with that direction if it so chooses following a more meaningful opportunity for review of the Proposed Development and supporting studies. To be clear, the extension to the timelines agreed to by our client at this time is not intended, in all circumstances, as a final extension. Rather, our client is hopeful that this preliminary extension will provide an opportunity to develop with Staff an additional extension, subject to such terms that may be agreed to by the parties.

Please let us know if any further information is required from us at this time.

Yours truly,
Overland LLP



Per: Daniel B. Artenosi
Partner

Encl.
c. M.Muzzo/B.Stern, 221 Sterling Road Holdings Inc.



City Planning

Heritage Planning

ONTARIO HERITAGE ACT TIMELINE WAIVER AND CONSENT TO EXTEND TIME PERIOD

Owner Information (all required)			
First Name 221 Sterling Road Holdings Inc.		Last Name	
Street Number 50	Street Name Confederation Parkway		Suite/Unit Number
City/Town Concord		Province Ontario	Telephone Number 905 325 4000
Corporation or partnership (if applicable) Corporation			Postal Code L4K 4T8
Email Address mmuzzo@muzzogroup.com			

Subject Property (if different from above)	
Address of Subject Property (Street Number/Name): 221 Sterling Road	
Describe location (closest major intersection, what side of the street is the land located): West of Bloor Street and Lansdowne Avenue	Municipality: Toronto

Ontario Heritage Act (check one or more of which to waive or extend time)
<input checked="" type="checkbox"/> s. 29 (designation of a property); <input type="checkbox"/> s. 32 (repeal of designation by-law); <input type="checkbox"/> s. 33 (alteration of a property); <input type="checkbox"/> s. 34 (demolition of building, structure or heritage attribute); <input type="checkbox"/> s. 42 (application in a heritage conservation district)

City of Toronto Heritage Permit/Application Number (if applicable)

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

I, Marc Muzzo on behalf of 221 Sterling Road Holdings 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 December 31, 2021 under the Ontario Heritage Act, as further discussed in the cover letter from Overland LLP dated July 23, 2021; and

(2) Acknowledge that if this form is not submitted by August 6, 2021 to Ragini Dayal, Heritage Planner by email at Ragini.Dayal@toronto.ca, Heritage Planning may prepare a report recommending that Council state its intention to designate the subject property in order to meet the prescribed timelines under the Ontario Heritage Act.

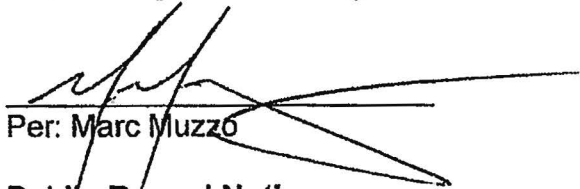
If the owner is a coporation or partnership I have the authority to bind the corporation or partnership.

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

Signature of Owner:

Date:

221 Sterling Road Holdings Inc.



Per: Marc Muzzo

July 23/21

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