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August 20, 2021

**BY EMAIL**

John Elvidge, City Clerk  
Attn: Secretariat, City Clerk's Office  
Toronto City Hall  
2nd Floor West  
100 Queen St. W.  
Toronto ON M5H 2N2

Dear Mr. Elvidge:

**Re: Notice of an Objection to the Notice of Intention to Designate pursuant to Part IV, Subsection 29(5) of the Ontario Heritage Act  
1354, 1358, and 1360 Queen Street West, City of Toronto**

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Aird & Berlis LLP acts for Queen and Brock Holdings Inc., with respect to the properties municipally known as 1354, 1358 and 1360 Queen Street West and 8-10, 12 and 14 Brock Street. (collectively, the "Site") in the City of Toronto (the "City").

On July 14, 2021, City Council resolved to state its intention to designate certain properties located on the Site, and as identified below, pursuant to under Part IV, subsection 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "OHA"):

- **1354 Queen Street West** - located on the northwest corner of Queen Street West and Brock Street. The existing structure is a three-storey structure with a one-storey extension at the rear.
- **1358 and 1360 Queen Street** - each a two-storey structure located west of 1354 Queen Street West.

**Our client received the City's Notice of Intention to Designate on August 6, 2021. Please accept this letter as a formal Objection to the Notice of Intention to Designate.**

**The Site is also subject to appeals under the *Planning Act*, R.S.O. c P. 13, as amended, before the Ontario Land Tribunal (the "OLT"), case no.: PL210165. We therefore respectfully request that the consideration of the designation be placed on the September 30, 2021 Council agenda, in order to allow the parties to provide an update to the OLT at the scheduled October 18, 2021 Case Management Conference.**

Our client's reasons for opposing the designation, which are outlined below, were previously shared in a letter to the Toronto Preservation Board on June 11, 2021.

On May 25, 2021, Heritage Planning issued a report to the Toronto Preservation Board and Toronto and East York Community Council recommending that City Council state their intention to designate the properties at 1354, 1358 and 1360 Queen Street West pursuant to Part IV, section 29 of the *Ontario Heritage Act* (the "OHA").

Our client with its heritage consultant, ERA Architects, reviewed Heritage Planning's report. Our client and ERA do not agree with the Reasons for Designation, particularly with respect to 1354 Queen Street East and therefore do not agree with the proposed designation of 1354 Queen Street East.

We would note that, based on the expert advice of ERA, our client *does* agree that there is cultural heritage value in certain elements of the principal (south-facing) elevations at 1358 -1360 Queen Street West. These have been incorporated into and conserved through the development proposal for the larger Site. Our client is prepared to work with Heritage Planning Staff on the treatment of the heritage attributes at 1358-1360 Queen Street West but continues to have concerns with the extent of and basis for the Reasons for Designation for these properties.

On September 29, 2020, our client filed applications to amend the Official Plan and Zoning By-laws for the Site. The proposed amendments would allow for the development of a new nine-storey mixed use building. Included with the complete application materials was a Heritage Impact Assessment prepared by ERA Architects. To date, no comments have been received on the HIA submitted with the application. On March 4, 2021, we appealed City Council's failure to make a decision respecting the applications within the statutory time frame pursuant to Sections 22(7) and 34(11) of the *Planning Act*, R.S.O. c P. 13, as amended. The OLT case number is PL210165.

At the time of the development application submission, the Site was not included on the City's Heritage Register. The properties at 1354, 1358 and 1360 Queen Street West were subsequently listed on the Register on December 16, 2020 after being identified through West Queen West Planning Study (2020) and Parkdale Main Street Heritage Conservation District Study. While part of the planning and heritage planning processes respectively, neither of these documents have been approved as a Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*.

As noted, our client recognizes the potential cultural heritage value of the properties at 1358-1360 Queen Street West, particularly in their storefront pattern, but disagrees that the remaining properties on the Site warrant designation for the reasons outlined below. Our client also submits that the formal designation should not proceed at this time but be the result of on-going evaluation of the development proposal for the broader Site.

With respect to the design and physical values of the buildings, the Reasons for Designation identify attributes that contribute to the values of 1354, 1358 and 1360 Queen Street West "as being representative examples of the Italianate style". In the HIA prepared as part of the complete development application for the Site, ERA provided a comprehensive review of the cultural heritage value of these properties. Our client disagrees with the reference to "the Italianate style" as it relates to these properties.

Further, the buildings have been heavily modified, causing significant loss and damage to the original design elements and in the case of 1354 Queen Street West covered in a substantial layer of stucco. The Reasons for Designation assumes that the attributes of the buildings retain their physical integrity and may be preserved and also make reference to fine detailed elements which cannot be readily ascertained given the current condition of the facades.

Although the Site was not listed on the Heritage Register when the applications were filed, our client's heritage architect recommended that the proposed development retain the primary (south) facing elevations of 1358-1360 Queen Street West, which would be extended eastwards and integrated with the new construction as part of the redevelopment of the Site. While some of the existing brick is in poor condition, the overall condition will allow for it to be restored and integrated accordingly, which is contemplated in the proposed development. Unfortunately, other design elements are recognized to be poor condition, including the wood windows and sashes, and the cornice above the storefronts.

Concerning 1354 Queen Street West, the south, east, and north elevations have been extensively reclad with stucco applied directly to the brick and painted numerous times. It is our client's current understanding that the removal of the stucco would cause a significant loss of brick. Further, the underlying stucco and paint may be trapping moisture against the original masonry at the more exposed locations, including the base and parapet levels. Again, these conditions are detailed in the HIA prepared by ERA which has concluded that the integrity of the building at 1354 Queen has been severely compromised.

The Reasons for Designation identifies the historical and associative value with J.C. Mussen, the original developer of the buildings, and Sheldon and Beverly Fainer, the long-time occupants of the business Designer Fabrics; and, specifically, the consolidated first-storey recessed entrance in the second bay of 1360 Queen Street West. The proposed development contemplates retaining the consolidated entrance.

Regarding the association with J.C. Mussen and the Fainer's Designer Fabrics business, our client respectfully submits that an interpretative approach honouring the Site's original developer and the long-time company is more suitable than requiring the strict conservation of the existing buildings, particularly when the integrity of such buildings have been compromised.

Regarding the contextual value, our client respectfully submits that the proposed development respects and responds to the key contextual elements identified in Reasons for Designation. These include the recessed, first storey corner entrance at 1354 Queen Street West, flat roof, rectangular form and the building placement and orientation. Further, the emerging context in Parkdale includes buildings higher than three storeys, particularly along Brock Street.

**For these reasons our client objects to the Notice of Intent to Designate and asks that the matter be placed on the September 30, 2021 Council agenda so that a decision on the designation can be made by Council. This would enable the parties to provide the Tribunal with an update as to the status of the OHA matters at the scheduled October 18, 2021 Case Management Conference.**

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We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned or Andrew Everton, a Land Use Planner in our office at 416-637-7570 or [aeverton@airdberlis.com](mailto:aeverton@airdberlis.com)

Yours truly,  
AIRD & BERLIS LLP



Eileen P. K. Costello  
Partner

EPC/aje

c. Client  
Matthew Longo, City of Toronto