

August 22, 2022

VIA EMAIL hertpb@toronto.ca

Our File No. 153644

City Clerk
Toronto City Hall
100 Queen Street West, 2nd Floor
Toronto ON M5H 2N2

Attention: Administrator, Secretariat, City Clerk's Office

Dear Sir/Madam:

Re: Notice of Objection to Intent to Designate 1196-1204 and 1206-1210 Yonge Street

Please be advised that Aird & Berlis LLP are counsel to Woodcliffe Landmark Properties Limited ("Woodcliffe") in respect of its development applications for rezoning and site plan approval, together with an application for rental housing demolition and replacement, to permit the redevelopment of lands known municipally as 1196 -- 1210 Yonge Street and 8 Birch Avenue (collectively, the "Site").

As noted above, the Site is the subject of applications with the City of Toronto. With respect to the Rezoning application, it was deemed complete as of December 1, 2021. A Preliminary Report dated January 26, 2022 was considered by Toronto and East York Community Council and a community consultation meeting was held on February 22, 2022.

As part of those applications our client's heritage consultants ERA Architects Inc., in consultation with the project architects KPMB, prepared a Heritage Impact Assessment ("HIA") including a Cultural Heritage Evaluation Report ("CHER") dated November 22, 2021 which provided a comprehensive evaluation of the cultural heritage value of the Site. The HIA relies upon the CHER to assess the impact of the proposed development on the heritage resources identified. Both the HIA and CHER were conducted in accordance with the City's updated Terms of Reference for the preparation of such reports.

Our client's experienced consultants, who have themselves worked on projects which have received heritage and urban design awards from the City of Toronto, concluded that the integrity of the buildings on the Site had been severely compromised and that the limited cultural value was associative in nature only. In particular, the HIA concluded:

"A condition assessment conducted by ERA on November 4, 2021 concludes that the buildings on the Site are in poor condition. A complementary Condition Assessment of Building A [1196-1204 Yonge St] conducted by RJC Engineers concludes that the responses to the regrading of Yonge Street (exposure of the full foundation, and removal of large parts of the foundation for retail bays) has caused exposure to frost heaving and redistribution of the building's structural load over time.

The HIA also concluded that the associative value of the Site was appropriately conserved through design elements in the new building:

“The associative value identified in the CHER is proposed to be conserved through an interpretive design that communicates the historic grade line of Yonge Street, including: • A brass inlaid marker at the historic grade line, accentuated with LED lighting; • Rough-textured cladding below the historic grade line, referencing the foundation; • An etched datum line, with written cues, continuing across the shop windows fronting Yonge Street.”

Notwithstanding the above, the City requested, and our client agreed, to waive the statutory timeframes associated with the City’s consideration of the heritage value of the property pursuant to the *Ontario Heritage Act*. Our client did so upon the express understanding, based on discussion with City staff, that the extension would be used by Heritage Planning staff at the City to work collaboratively with our client and its consultants.

It is with great disappointment that our client found that Heritage Planning staff were not prepared to engage in meaningful and informed consultation. This was further exacerbated by public statements made during community consultation by City staff very early in the process, and prior to the City having undertaken any independent assessment, as to the heritage value of the Site.

On July 11, 2022, without any notice to our client or its consultants, a report from Heritage Planning Staff was “walked on” to the agenda midway through the Toronto Preservation Board meeting while it was in process (the “HP Report”). Our client was not afforded an opportunity to make a written or oral deputation or to respond to the conclusions in the report notwithstanding that the report was dated July 5, 2022 and the staff presentation was dated July 8, 2022 and both could have been shared in advance.

Our client, informed by the expert analysis of its consultants, takes issue with and objects to the findings and conclusions of that report and in particular to the recommendation that the properties at 1196 – 1210 Yonge Street be designated pursuant to Part IV of the OHA. Additionally, and without limiting the generality of the foregoing, our client objects to the Reasons for Designation included in the HP Report and in particular our client disputes the conclusions reached with respect to the significance attributed to certain of the properties by City staff and the suggestion that the properties yield information related to certain historical periods including the City Beautiful Movement or the introduction of the CPR overpass. The Statements of Significance rely upon and reference other area properties which are physically disconnected from the Site. The Site is not part of a historical precinct as is suggested by City staff but rather is physically and historically distinct from the elements south of the rail tracks.

For these reasons, together with additional reasons which may be shared in future correspondence, our client formally objects to the Notice of Intent to Designate for the properties known municipally as 1196-1210 Yonge Street.

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We would ask that this correspondence be included on the public record and as part of any subsequent consideration of this matter by Toronto City Council. We also request notice of any subsequent decisions made in respect of this matter.

Yours truly,
AIRD & BERLIS LLP



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