

May 30, 2022

**VIA E-MAIL: PHC@TORONTO.CA**

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File 00670.22456

Deputy Mayor and Councillor Ana Bailão  
and the City of Toronto Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martin, Secretariat**

Dear Chair and Members of the Planning and Housing Committee:

**Re: Item PH34.4 – City Initiated Zoning By-law Amendments to Implement Ontario Line  
- Final Report Related to 130 Queen Street West - Osgoode Hall**

We act for the Law Society of Ontario (the “**LSO**”) owners of property municipally referred to as 130 Queen Street West and more commonly known as Osgoode Hall (the “**Property**”), in the City of Toronto (the “**City**”).

Our client only became aware of this matter after the public meetings, as the LSO was not provided with notice of the public consultation and therefore did not have an opportunity to participate or provide submissions. Upon learning of this initiative, our client contacted planning staff to seek further information. The purpose of this letter is to provide the LSO’s written submission following our detailed review of the Planning Staff Report dated May 16, 2022 (the “**Report**”).

**For the reasons that follow, LSO requests that Staff Recommendation #1 contained in the Report, as it relates to the proposed zoning amendment applying to a portion of 130 Queen Street West, not be approved.**

### **BACKGROUND**

The LSO’s Property consists of the easterly portion of the Osgoode Hall site identified in the Parcel Abstract Map attached to this letter as Schedule “A”. The remainder of the site is owned by the Province of Ontario. A portion of Osgoode Hall (at the south-west corner of the Property) along with a strip along the southern frontage is being expropriated to facilitate the construction of a subway station and related infrastructure for the Ontario Line as shown in the drawing attached as Schedule “B”. The City has initiated a change to the zoning by-laws for the LSO’s

lands and various other properties along the Ontario Line. The purpose of these amendments is to ensure that the properties about to be expropriated are properly zoned to accommodate things like stations, vent shafts, emergency exits, amongst other related facilities.

No doubt members of the Committee are quite familiar with this Property as it is a short 3-minute walk from City Hall and is its neighbouring property. Osgoode Hall is a heritage building designated under the *Ontario Heritage Act* by the City in 1990, by By-law 477-90 (the “**Designation By-law**”). This historic site is the focus for legal activity in Ontario and has garnered attention for over 170 years. Osgoode Hall occupies six acres and was acquired by the Law Society of Upper Canada in 1829.

As described in the Designation By-law, the Property’s prominence is defined not only by the grandeur of the structures but includes the entire six acres (as shown on Schedule “C” of the Designation By-law – the East Wing and front grounds referred to as the “west lawn”). This area is defined by the heavily landscaped grounds, containing mature trees along the full frontage of Queen Street West, in behind the historic cast iron “cow” gates.

In the context of the Property’s very important historic significance, Map 7B (Identified Views from Public Realm: Downtown and Central Waterfront) in the City’s Official Plan denotes the south-west corner as a prominent heritage view (A6) related to Osgoode Hall (York Street at Richmond and Queen Street West at University Avenue at the south-west corner). This recognition is coupled with the designation of the Property as “Other Open Space Areas – Including Golf Courses, Cemeteries, Public Utilities” as shown on Map18: Land Use Plan.

The south-west portion of the Property is proposed to be expropriated for construction staging as well as the construction of the subway station. By the very nature of the works proposed on the south-west corner and side of the Property, the west lawn, mature trees, fence and the gates will be impacted, all affecting the historical designation of the Property.

The expropriation of a fee simple stratified interest along with a permanent subterranean easement along the southern frontage of the Property (under the historic fence and “cow gates”) is also planned. It is our understanding that the Ontario Line cannot “fit” under the street right-of-way in the proximity of the stations -which have station boxes that go under the private properties. The proposed zoning amendments apply to the south-west corner of the Property and for some unknown reason the area along the southerly boundary being affected is excluded.

## **DISCUSSION OF CONCERNS**

The Report's exclusive focus and justification is based only on the analysis of the appropriateness of the zoning amendments in the context of the supportive transportation policies found in the Growth Plan, the Provincial Policy Statements and the City's Official Plan (including OPA 456). This broad-brush approach to land use planning ignores the site-specific characteristics of the Property and the application of all relevant considerations in these higher-level guiding planning documents, specifically as it relates to the balanced application of the heritage policies that are directly applicable.

The City, as initiator of a zoning amendment, has failed to apply any of the Official Plan Schedule 3 (Application Requirements) related to a rezoning application. In a privately-initiated application, at a minimum, the applicant would need to provide an Arborist Report, a Heritage Impact Statement and a Tree Protection Plan. Without these studies, it cannot be said that the site-specific characteristics of the Property have properly been taken into account; indeed, it may be argued that they have been ignored.

A fair and balanced reading of the Growth Plan, the Provincial Policy Statements and the Official Plan, the historical and heritage attributes of the Property would be recognized and weighed which could lead to the Committee in reaching a different conclusion. Below we provide a list of applicable policies, beyond the transportation policies cited in the Report. The policies listed below are not meant to be exhaustive, but a representative example of important policy considerations not taken into account by the Report. For example:

### **Growth Plan:**

- (i) Policy 1.2.1 Guiding Principles: Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- (ii) Policy 4 - Protecting What is Valuable: The GGH also contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through development and site alteration. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.
- (iii) Policy 4.2.7 - Cultural Heritage Resources: Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

(iv) Cultural Heritage Resource is defined to mean: Cultural Heritage Resources Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (Greenbelt Plan).

(v) Cultural Heritage Built Resource is defined to mean: Built Heritage Resource A building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or, federal registers.

### **Provincial Policy Statement**

(i) Policy 2.6.1: Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

(ii) Policy 2.6.3: Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

(iii) The PPS contains similar definitions on cultural heritage resources as found in the Growth Plan. Also included is the definition, amongst other applicable, dealing with built heritage resource, which is defined to mean: "a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and/or international registers"

The Property, as discussed above, has been designated under Part IV of the *Ontario Heritage Act*.

(iv) Policy 4.6: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

## 1. Official Plan

(i) In respect of the Other Open Space Areas designation applicable to the Property, while development for public transit is permitted within this designation under Policy 4.3.2, nevertheless it must be supported by appropriate assessment.

(ii) In respect of the Views from the Public Realm identified on the Property, the following policies would apply from Section 3.1.1:

Policy 22: Scenic routes are streets with public views of important natural or human-made features and should be preserved and, where possible, improved by:

- a) maintaining views and vistas as new development occurs;
- b) creating or extending scenic routes or views when an opportunity arises; and
- c) increasing pedestrian and cycling facilities and amenities along the route.

Policy 23. Public works and private development will maintain views from the public realm to the skylines of the Downtown and Central Waterfront, North York Centre, Etobicoke Centre, and Scarborough Centre shown on Maps 7a and 7b. These views are dynamic and are expected to evolve over time to include new buildings constructed within the Downtown and Central Waterfront, North York Centre, Etobicoke Centre and Scarborough Centre.

Policy 24. Views from the public realm to prominent buildings, structures, landscapes and natural features are an important part of the form and image of the City. Public works and private development will maintain, frame and, where possible through project design, create views from the public realm to important natural and human-made features as identified on Maps 7a and 7b.

Policy 25. Views from the public realm to prominent, buildings, structures, landscapes and natural features identified on Maps 7a and 7b are important and are described in Schedule 4. Additional views from the public realm to prominent buildings, structures, landscapes and natural features may be added to Maps 7a and 7b and Schedule 4 through amendment to the Official Plan.

(iii) In respect of the Heritage Conservation policies contained in Section 3.1.5 of the Official Plan, we note the importance of conserving already designated properties, as contained in the following:

Policy 3: Heritage properties of cultural heritage value or interest properties, including Heritage Conservation Districts and archaeological sites that are publicly known will be protected by being designated under the *Ontario Heritage Act* and/or included on the Heritage Register.

Policy 4: Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.

## **CONCLUSION**

While the LSO recognizes the importance of the Ontario Line, the concerns raised above must be resolved before any zoning amendment is implemented for this Property. Should the Committee find in favour of supporting the recommended zone change for the Property, we ask that a Holding (H) provision be included to permit the full consideration of the heritage impacts before any zoning rights are vested. Otherwise, the zoning amendment is premature, not in the public interest, does not represent good land use planning, and is not in conformity or consistent with, as the case may be, the Growth Plan, the Provincial Policy Statement and the Official Plan.

Finally, in our opinion, the zoning amendment that is proposed for the Property, if enacted, would violate the provisions of Section 24 of the *Planning Act* which provides that where an official plan is in effect, no public work shall be undertaken, and no by-law shall be passed for any purpose that does not conform therewith. Given the Official Plan's uncontradicted policy direction to preserve this heritage resource, the proposed zoning amendment has failed to analyze, justify or otherwise apply the relevant policies in totality to provide a wholesome planning consideration for the Committee to make an informed decision.

Matters related to the *Ontario Heritage Act* also required consideration as any works on the Property will have the effect of altering the reasons for designation, perhaps on a permanent basis.

We thank the Committee in advance for their consideration of LSO's request. We are willing to continue to work with Staff to find the correct approach and balance in protecting this valuable resource that has withstood many years of challenge.

Should Staff or the Committee have any questions, we would be pleased to meet and discuss this matter further, as necessary. Please do not hesitate to contact the undersigned, or Paul Chronis, our in-house Senior Planner, at [pchronis@weirfoulds.com](mailto:pchronis@weirfoulds.com) or at 416.460.0038.

All of which is respectfully submitted.

Yours truly,

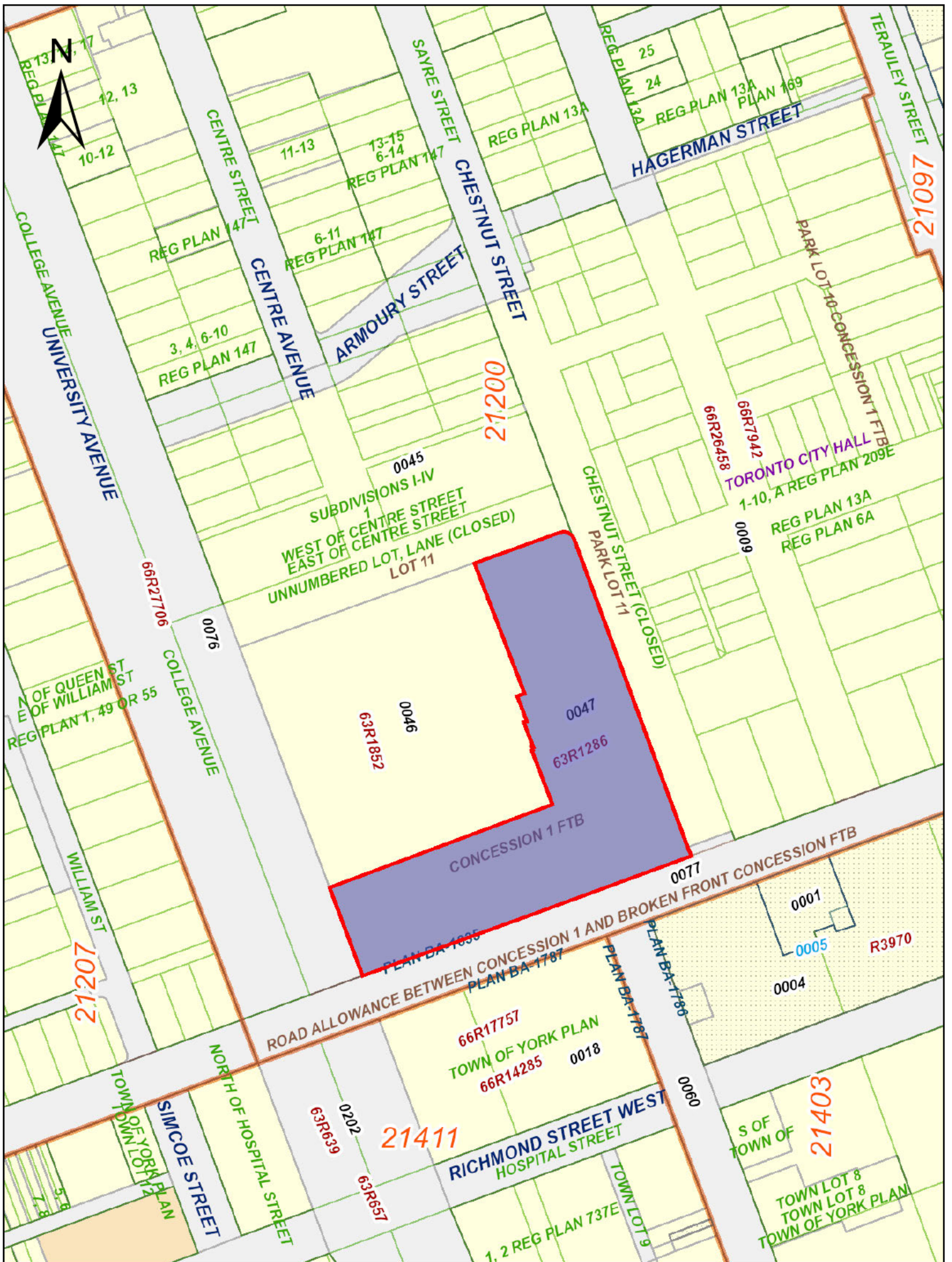
**WeirFoulds LLP**



Chris Tzekas  
Counsel

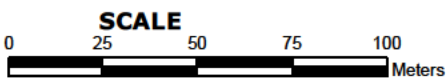
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**ServiceOntario**

PRINTED ON 21 APR, 2021 AT 14:38:28  
FOR IWARMAN12



**LEGEND**

- FREEHOLD PROPERTY
- LEASEHOLD PROPERTY
- LIMITED INTEREST PROPERTY
- CONDOMINIUM PROPERTY
- RETIRED PIN (MAP UPDATE PENDING)
- PROPERTY NUMBER 0449
- BLOCK NUMBER 08050
- GEOGRAPHIC FABRIC
- EASEMENT

**NOTES**

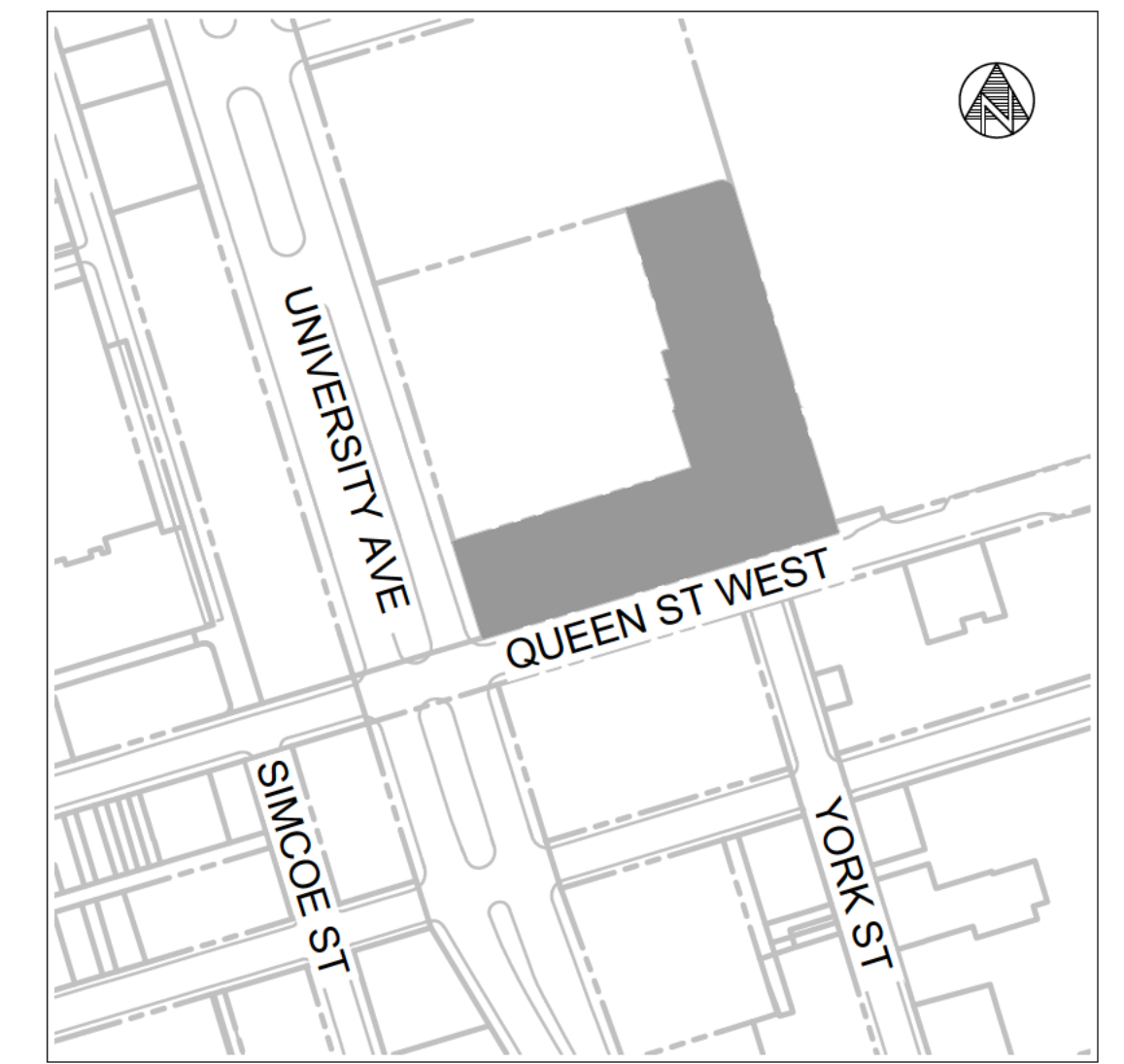
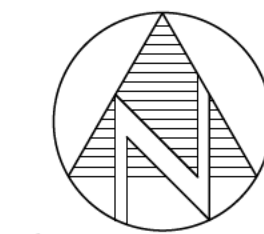
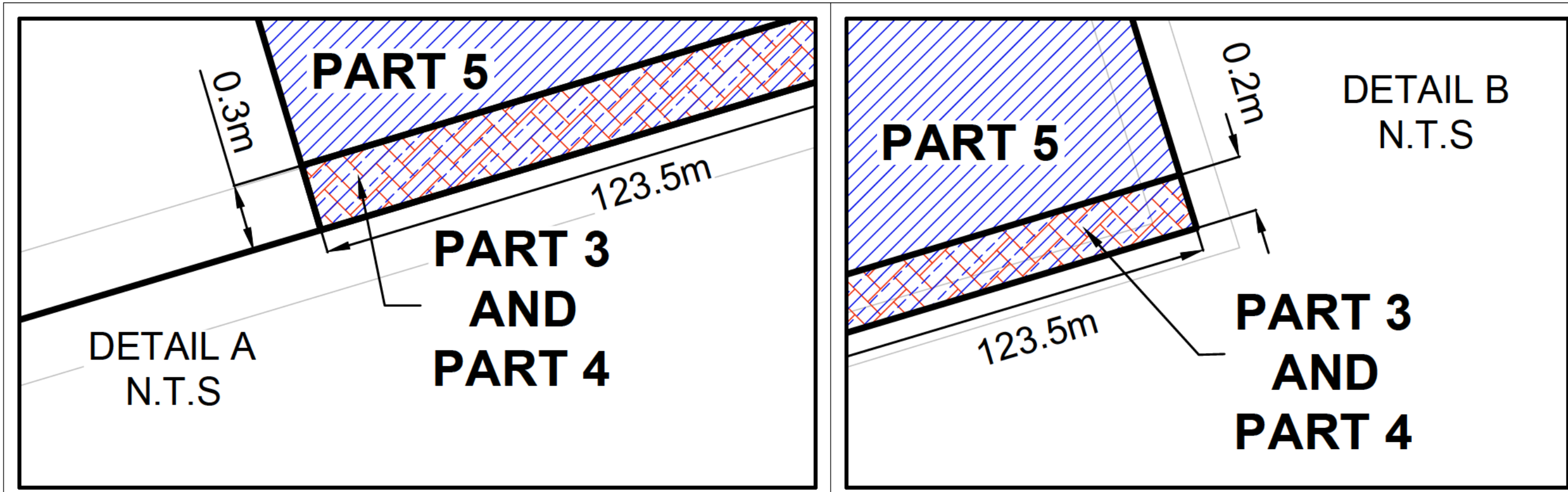
- REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**
- THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY
- FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS
- ONLY MAJOR EASEMENTS ARE SHOWN
- REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED

**PROPERTY INDEX MAP**  
TORONTO(No. 80)

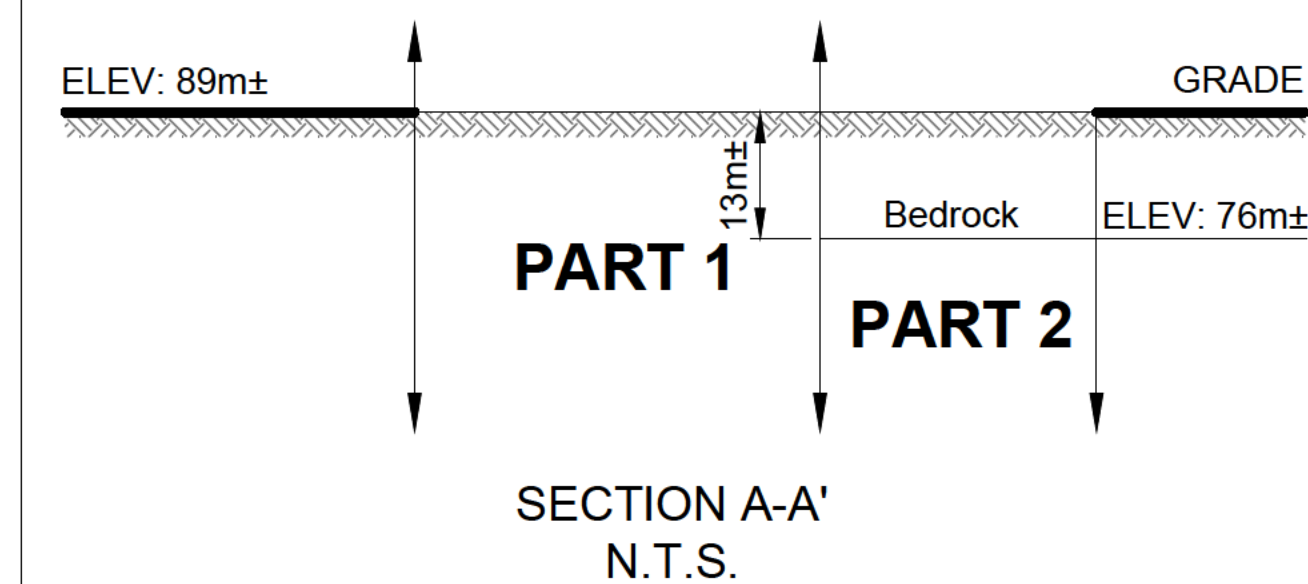
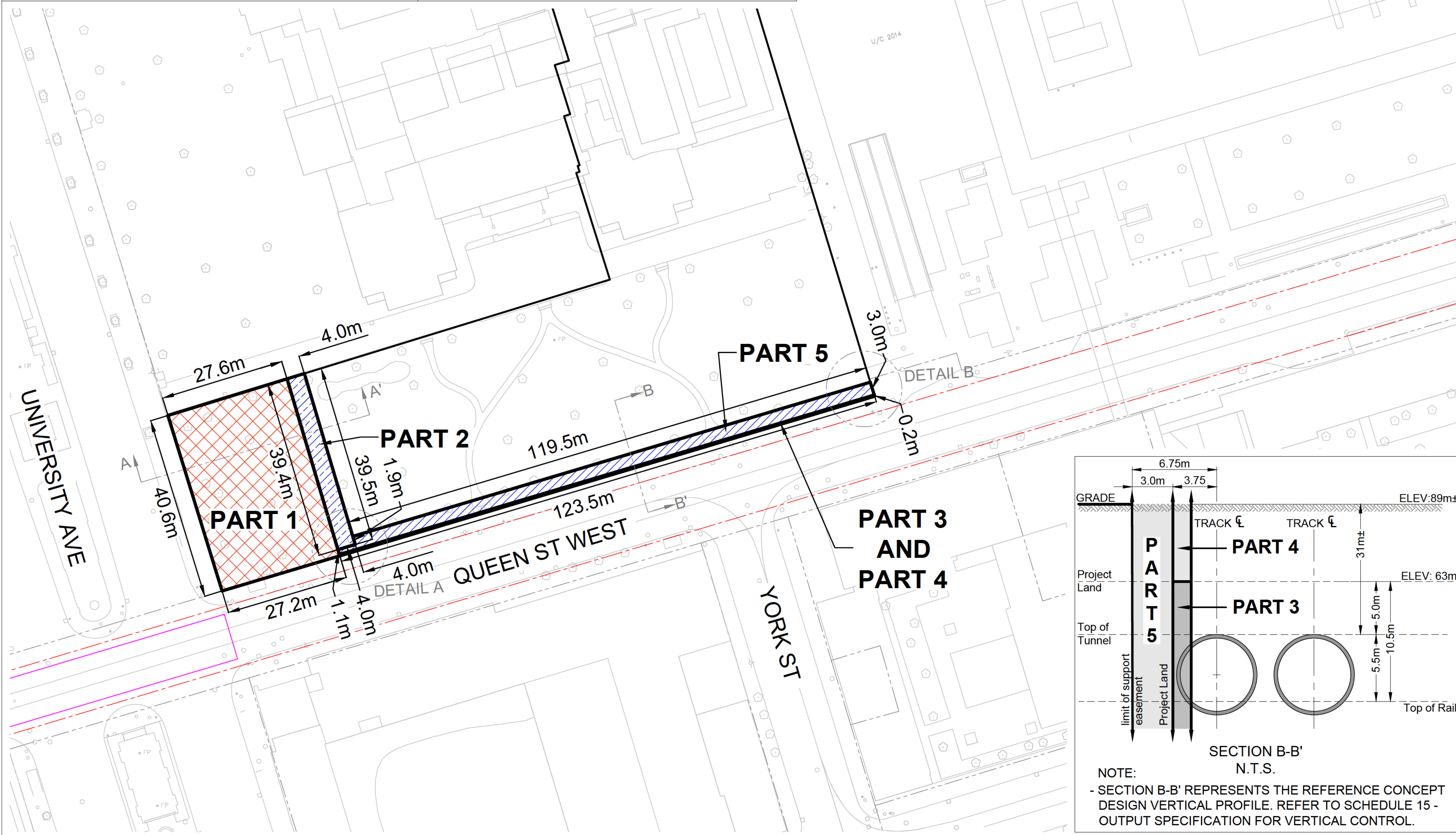
**THIS IS NOT A PLAN OF SURVEY**







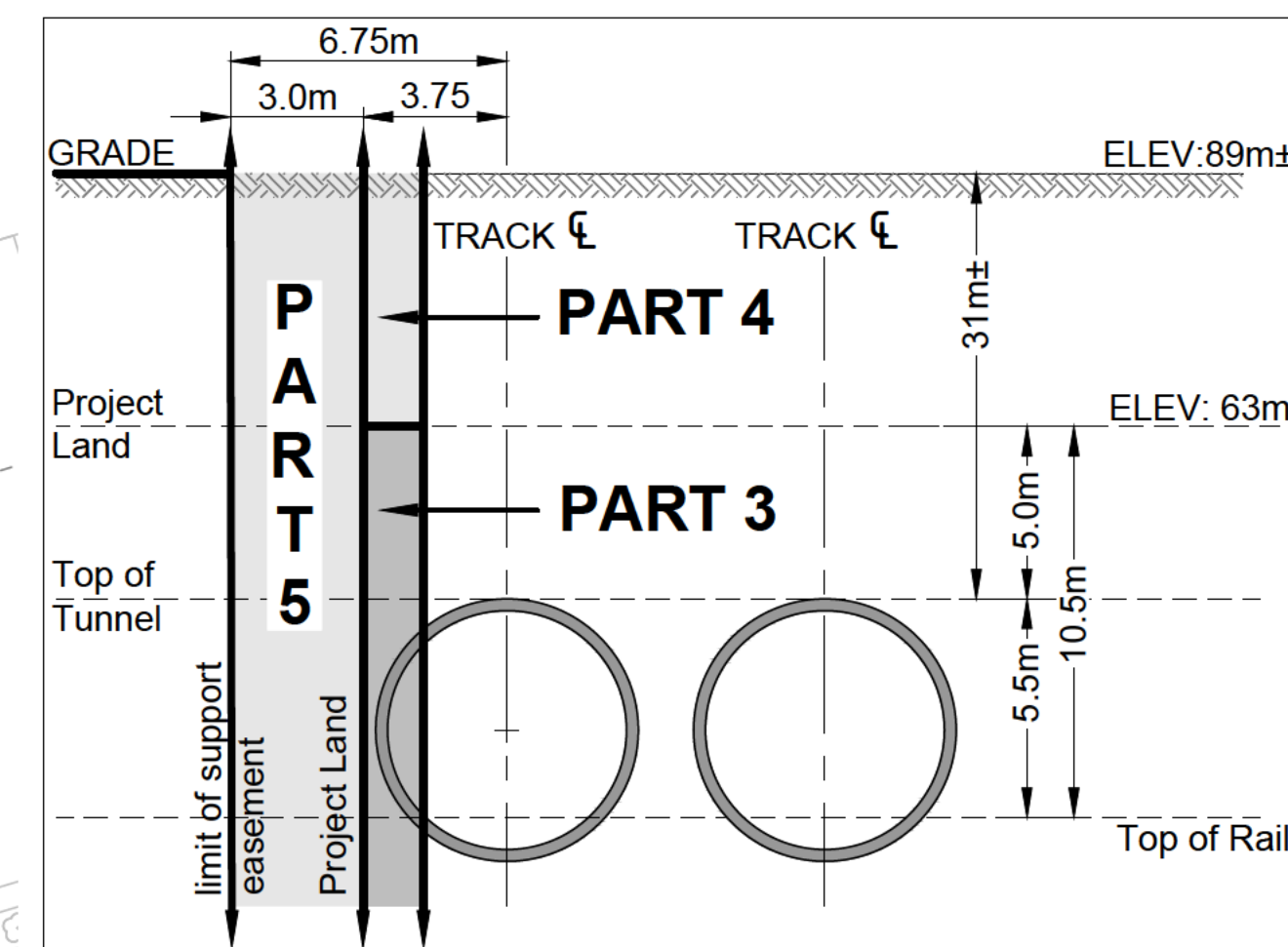
KEYMAP  
N.T.S



NOTE:  
- SECTION A-A' REPRESENTS THE REFERENCE CONCEPT DESIGN VERTICAL PROFILE. REFER TO SCHEDULE 15 - OUTPUT SPECIFICATIONS FOR VERTICAL CONTROL.

LEGEND:	AREA:
PART 1	FEE SIMPLE 1115.8m <sup>2</sup>
PART 2	PERMANENT EASEMENT STRATIFIED 157.9m <sup>2</sup>
PART 3	FEE SIMPLE STRATIFIED 33.8m <sup>2</sup>
PART 4	PERMANENT EASEMENT STRATIFIED 33.8m <sup>2</sup>
PART 5	PERMANENT EASEMENT 363.1m <sup>2</sup>
	STATION BOX
	CENTER LINE OF TRACK ALIGNMENT

NOTE:  
- AREA MAY BE AFFECTED BY ROUNDING.  
- THIS PLAN IS NOT A LEGAL SURVEY. TOPOGRAPHICAL AND BOUNDARY INFORMATION SHOWN MAY NOT BE CURRENT.

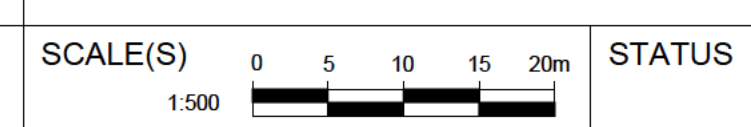


NOTE:  
- SECTION B-B' REPRESENTS THE REFERENCE CONCEPT DESIGN VERTICAL PROFILE. REFER TO SCHEDULE 15 - OUTPUT SPECIFICATION FOR VERTICAL CONTROL.

FILE: 10206938-pl0500-02-sf401.dwg  
PLOTTED BY: GARRET REID

REVISIONS	REVISIONS
1 PARTS CHANGED 2021-05-03 ROCK BOLTS ARRANGEMENT	
2 PARTS CHANGED 2021-10-25 ADDED SUPPORT EASEMENTS	

RCD  
NOT FOR CONSTRUCTION  
DD MONTH YYYY



DESIGNED F.CORTES  
DRAWN G.REID  
CHECKED R.COMFORT  
APPROVED K.BOUDBREAU

ONTARIO LINE SUBWAY  
130 QUEEN STREET WEST  
PIN: 21200-0047

Plot Date: 25 October 2021  
**METROLINX**  
Infrastructure Ontario  
Dwg. No. PL0500-02-SF401 Sheet No.