



David R. Donnelly, MES LLB  
david@donnellylaw.ca

April 20, 2022

Via email to [teycc@toronto.ca](mailto:teycc@toronto.ca)

Toronto and East York Community Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Council,

**Re: Item TE32.10 – Inclusion on the City of Toronto’s Heritage Register –  
Dundas-Carlaw Properties**

Donnelly Law (“we” or the “**Firm**”) represents Mr. Vipin Jain (our “**Client**”), the landowner of 250 Carlaw Avenue, Toronto (the “**Property**”). We write to you with respect to the deliberations before Council to list the Property on the City of Toronto’s (the “**City**”) Heritage Register (the “**Register**”), under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 (“**OHA**”).

While our Client applauds the initiatives of the City in recognizing and conserving valuable heritage landscapes, listing the nine properties that are now before council would be detrimental to the growth of the area.

**No Prior Consultation with Property Owners**

On March 22, 2022, our Client received notice for the first time that the Property was being considered for listing on the Register, despite initial reports by the City’s Staff being completed in 2016 (the “**Notice**”). The Notice specifically stated the following as a result of the Property’s potential listing on the Register:

A listed property has no legal protection under the Ontario Heritage Act; the only change for a property owner is that they will need to provide 60 days’ notice when applying for a demolition permit, or prepare a Heritage Impact Assessment (HIA) when submitting a planning application. The 60 days’ notice and/or HIA allow the City to conduct further evaluation of the property to determine if it merits designation, and therefore conservation. [Emphasis added.]

Our Client is deeply concerned with the lack of consultation prior to consideration for listing by Council, especially when the effect of a listing impacts the commercial viability of the Property. The completion of an HIA on a planning application will not only be an expensive exercise and additional cost, but the 60-day notice period required may render the entire exercise moot, should the City then choose to begin the designation process.

Under s. 34 of the *OHA*, a designated property is subject to the following restrictions:

**34 (1)** No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.
2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be. [Emphasis added.]

The Property at 250 Carlaw has been owned by our Client's family since the 1980's, and over the years our Client has made a great many improvements. Currently, the building's units are leased as a commercial and industrial spaces for businesses to grow and operate.

While the listing of the Property will not restrict our Client's ability to make interior or exterior alterations, a potential designation after the 60-day notice period would. The uncertainty and extended timelines created by listing these properties will only have the effect of freezing improvements by property owners who are fearful of triggering the lengthy and cumbersome designation process.

### **Evaluation of Property in Staff Reports**

Further, the reports prepared by City Staff with respect to the heritage value of the Property provide nothing more than contextual linkages to their past uses. In the

Report for Action prepared by the Senior Manager, Heritage Planning, Urban Design, City Planning dated March 14, 2022 the following was provided as reasons for considering the potential listing of the Property:

The property was originally constructed for Phillips Manufacturing Co. and was designed by the architect Edward James Lennox. Phillips Manufacturing Co., which was originally called Cobban Manufacturing Company, purchased the property in 1907 for \$16,733.00 and moved in the following year. They primarily produced moldings and mirrors. In 1935, Reliable Toy Co., which was founded in the 1920s by Jewish brothers Alex and Solomon Frank Samuels, moved into the building. Reliable became a leader in plastics technology and by the 1940s and 50s, the factory had a doll clothing mill, a hairstyling department, and facilities for making shoes, eyes, voice boxes, and squeakers.

The property at 250 Carlaw Avenue supports the historic character of Leslieville surrounding the intersection of Dundas Street East and Carlaw Avenue where it is part of an important collection of former factory/warehouse and garage buildings that were constructed in the first two decades of the 20th century when the area was developed as a manufacturing centre.

Outside of the brick exterior, which has notably been maintained and preserved by our Client since the 1980's, without the Property being listed on the Register, no other historic features, signage, fixtures, etc., are mentioned or exist for the purpose of conservation.

Its is the respectful opinion of our Client that conservation of the heritage value of the area is better served through the continued maintenance of the existing plaques detailing the Carlaw-Dudas area's history, and other educational materials about the area.

### **Provincial Call for Density**

Finally, there has been a call for higher density in a report released earlier this year by the Government of Ontario's Housing Affordability Task Force (the "**Report**"). Specifically, the Report calls for density in areas which support public transit systems:

#### **Require greater density**

Land is not being used efficiently across Ontario. In too many neighbourhoods, municipal rules only allow single-family homes – not even a granny suite. Taxpayers have invested heavily in subway, light rail, bus and rail lines and highways, and the streets nearby are ideally suited for more

mid-and high-rise housing. Underused or redundant commercial and industrial buildings are ripe to be redeveloped into housing or mixed commercial and residential use. New housing on undeveloped land should also be higher density than traditional suburbs, especially close to highways.<sup>1</sup>

Redevelopment in Leslieville should be welcomed and encouraged in light of the proposed Metrolinx Ontario Line running through the Carlaw-Dundas area. The potential for high density developments in this area will serve to improve access to housing in a transit rich area for all Torontonians. Beginning the process of listing many of the area's largest industrial and commercial spaces on the Register will directly undermine this and deter property owners from taking action.

It is the respectful request of our Client that Council not list 250 Carlaw Avenue, or any of the properties before Council, on the Register before proper and thorough consultation with property owners has taken place, and proper consideration for the growth of the Carlaw-Dundas area has been given.

Should you have any comments or questions concerning this correspondence, please do not hesitate to contact me at (416) 572-0464, or by email at [david@donnellylaw.ca](mailto:david@donnellylaw.ca) copying [justine@donnellylaw.ca](mailto:justine@donnellylaw.ca) and [martyn@donnellylaw.ca](mailto:martyn@donnellylaw.ca).

Yours Truly,



David R. Donnelly

cc: Client

---

<sup>1</sup> [Report of the Ontario Housing Affordability Task Force](#)