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January 18, 2023

**Via Courier and Email (hertpb@toronto.ca; clerk@toronto.ca)**

John D. Elvidge, City Clerk  
 City of Toronto  
 Toronto City Hall, 13th Floor, West Tower  
 100 Queen Street West  
 Toronto, ON M5H 2N2

**ATTN: Administrator, Secretariat, City Clerk's Office**

To Whom it May Concern:

**Re: Notice of Objection to Notice of Intention to Designate  
 109-127 Strachan Avenue, City of Toronto**

We represent 111 Strachan Development LP Inc. (the "**Owner**"), the owner of the property municipally known as 109-127 Strachan Avenue (the "**Property**"), in the City of Toronto (the "**City**").

This letter serves as the Owner's formal Notice of Objection to the City's Notice of Intention to Designate the Property (the "**Notice of Intention to Designate**") under subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "**Heritage Act**"). The Owner is concerned that the heritage attributes and description of cultural heritage value contained in the "Statement of Significance (Reasons for Designation)" included as Attachment 3 to the Staff Report dated December 6, 2022 (the "**Reasons for Designation**") introduce additional uncertainty into the application process, which may further limit the ability of City staff and the Owner to be flexible in their approach to negotiations related to the proposed redevelopment.

The Property is the subject of an ongoing development application process seeking to redevelop the Property with a proposed new mixed-use building containing residential and retail uses, integrating the existing late-1870s three-storey building on the Property (the "**Application**").

The Owner acknowledges that the Property may have cultural heritage value, and is not opposed to its future designation under Part IV of the *Heritage Act* in principle. However, the Reasons for Designation, as currently drafted, are overly broad and descriptive, especially with respect to the one-storey rear wing.

While the Application has been appealed to the Ontario Land Tribunal as a result of City Council's failure to make a decision within the statutory timeframes, the Owner continues to

work with City staff, outside of a formal mediation process, to reach a mutually satisfactory outcome.

### **Reasons for Objection to the Notice of Intention to Designate**

The Owner's position is that as currently written, the heritage attributes and description of cultural heritage value contained in the Reasons for Designation do not reflect the position previously taken by City Planning staff, as outlined in the with prejudice letter from Willie Macrae, Manager, Community Planning, Toronto and East York District, dated July 14, 2022, attached hereto as Schedule "A" (the "**City Planning Response**").

In the City Planning Response, it is stated that, "City Planning Staff believe the [Application] is supportable from a built-form perspective, and provides a positive relationship with the surrounding public realm and a suitable transition to and from surrounding properties", and further that, "Heritage Planning supports the retention of the building and adjacency to the new massing".

In addition to the above concerns, the Owner is also concerned that the Reasons for Designation do not accurately reflect the cultural heritage value of the Property, and that the enacting of a designation by-law that contains the heritage attributes identified in the Reasons for Designation, specifically as they relate to the one-storey rear wing, has the potential to affect the future functionality and adaptive re-use of the existing three-storey building as part of, and the integration of the existing three-storey building into, the proposed redevelopment of the Property.

As it relates to matters of design or physical value, historical or associative value, and contextual value, the Owner's position is that the Reasons for Designation fail to connect, in a meaningful way, the criteria contained in O. Reg. 9/06, "Criteria for Determining Cultural Heritage Value or Interest", to the one-storey rear wing on the east side of the Property. By extension, then, the following heritage attributes and descriptions in the Statement of Cultural Heritage Value are of concern as they relate to the one-storey rear wing:

#### **From the "Statement of Cultural Heritage Value" (emphasis added):**

- *"The property retains its original scale, form, and massing as a three-storey building with a one-storey rear wing, and its design value as a representative example of the Second Empire style is reflected in many of its extant original features, including its brick construction with ornamental brick, wood, and stone details, segmental-arched windows on the north and west elevations, mansard roof supported by a bracketed cornice, and round-arched dormers."*

While there is architectural detailing present on the three-storey portion of the building, the one-storey rear wing contains minimal brick detailing in the form of two segmental-arched windows, and these details are limited to the north elevation. As a result, it is unclear how the one-storey rear wing is representative of the Second Empire style.

- *"The property's materiality, scale and massing contribute to the low-rise residential streetscape, which has been reinforced through the introduction of several compatible infill projects along Strachan Avenue."*

The scale and massing of the building is most visible in the three-storey portion of the building located at the corner of Strachan Avenue and Adelaide Street West, which is consistent with the surrounding low-rise residential context consisting of two-and-a-half- to three-storey dwellings. Further, the infill projects along Strachan noted in the Statement of Cultural Heritage Value reinforce the three-storey scale. The one-storey rear wing, however, has a scale and massing that is more consistent with a garage or enclosed storage space, as is found within the surrounding low-rise residential context, that would typically not be visible from the street.

**From the “Heritage Attributes” (emphasis added):**

- *“The scale, form, massing, and rectangular-shaped plan of the property as a three-storey building with one-storey rear wing”*

It is unclear how the scale, form, massing and rectangular-shaped plan of the one-storey rear wing reflect the design value of the Property. It is also noted that this particular attribute is under the “design or physical value” heading. This same attribute, excluding the words “with one-storey rear wing” is repeated under the historical or associative value and contextual value headings. It is unclear why the one-storey rear wing was excluded from these categories.

- *“The mansard roof with the extended parapet firewalls on the south and east ends, supported by a cornice featuring ornamental brackets, and gable roof on the rear wing”*

Gable roof is not an atypical, unique or ornamental architectural feature, and its construction does not require a high degree of skill or craftsmanship relative to other buildings with gable roofs. Gable roofs are also not solely reflective of the Second Empire style, and further, they are not described in the Reasons for Designation. It is unclear why it has been included as an attribute except as an attempt to retain all built portions of the Property.

- *“The materials, with the brick masonry construction featuring stone, brick and wood detailing (the masonry has been painted)”*

This attribute is a description of building materials and is typical of building construction in Ontario. While there is architectural detailing present on the three-storey portion of the building, the one-storey rear wing contains minimal brick detailing in the form of two segmental-arched windows, and these details are limited to the north elevation.

The foregoing analysis is not exhaustive and represents the primary concerns the Owner has with the identified statements of cultural heritage value and the heritage attributes within the Notice of Intention to Designate and the Reasons for Designation. Our client reserves the right to expand upon these issues and concerns as apart of any future appeal to the Ontario Land Tribunal, should one ultimately be necessary.

**Submissions**

As such, we respectfully request that the Notice of Intention to Designate for the Property be withdrawn until such time that the Reasons for Designation can be reviewed and revised to more accurately reflect the cultural heritage value of the Property.

Finally, we also request that the undersigned be provided with notice of any Committee, Community Council, and City Council meetings where reports related to the above-noted matter are to be considered, and that the undersigned be notified of any decision regarding this matter.

Should you require further information or documentation, please do not hesitate to contact the undersigned.

Sincerely,

**McCarthy Tétrault LLP**

  
Michael Foderick  
Partner

MF/DA

cc: Mary MacDonald, Senior Manager, Heritage Planning

**Schedule "A"**

Letter from Willie Macrae, Manager, Community Planning, Toronto and East York District, dated  
July 14, 2022

Matthew Young  
Reublic Developments  
100 King St W Suite 5700  
Toronto  
ON M5X 1C7

July 14, 2022

**Subject: City Planning Comments/Zoning-Level Response**

Application No.: 21 251437 STE 10 OZ  
109-127 Strachan Ave  
ORDNANCE RESERVE LOTS 34& 36 PT LOTS 32 & 38 RP 63R1208 PART 6  
Ward 10 - Spadina-Fort York

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Dear Mr. Young,

Thank you for providing an updated architectural package and shadow study (dated June 27<sup>th</sup>, 2022), and markups (dated July 12<sup>th</sup>, 2022) in response to preliminary discussions with City Staff. The proposal's massing has been revised and reduced from 14 to 12 storeys (45.75 m to 37.2 m) and has introduced new setbacks above the 4th storey along Strachan Avenue and the south face of the building, providing for greater separation distances to the 950 King Street West development application.

City Planning Staff believe the revised proposal is supportable from a built-form perspective, and provides a positive relationship with the surrounding public realm and a suitable transition to and from surrounding properties. This letter focuses only on rezoning matters (ie. built form and amenity spaces). Formal Site Plan Application comments will follow after a complete re-submission has been received.

We have reviewed your materials and have the following additional comments:

**Heritage Preservation Coordination**

- 1) Heritage Planning supports the retention of the building and adjacency to the new massing. Detailed conservation plans for the building will need to be provided to the satisfaction of Heritage Planning.

## **Building Massing and Design**

### Tall Building/Mid-Rise Building/Low-Rise Building Standards

- 2) The reduction in overall height from 14 to 12 storeys is acknowledged and appreciated by Staff. Staff also appreciate additional stepbacks at levels 10 and 12 along Adelaide Street West to ensure the proposal generally fits within the angular plane and to mitigate the shadow impact onto the public realm.

### Amenity Areas

- 3) The proposal exceeds the minimum 2 sq. m. per unit for indoor amenity space and the minimum required outdoor amenity area has not been met. Staff will continue to work with the applicant team to increase the outdoor amenity and/or increase the indoor amenity area if possible. As an alternative, staff are willing to consider setting a minimum area of indoor and outdoor amenity to be secured in the by-law as opposed to a ratio.

### Planning for Children

- 4) Refer to the [Growing Up](#) Study and Guidelines.
- 5) Staff appreciate the additional 3-bedroom units to meet the 10% threshold required by the Growing Up Guidelines.

Staff look forward to continuing to work with you to resolve the issues outlined in this letter. Should you have any questions, please contact the Planner, Tommy Karapalevski at 416-392-4336 or [Tommy.Karapalevski@toronto.ca](mailto:Tommy.Karapalevski@toronto.ca).

Yours truly,



Willie Macrae, Manager, Community Planning  
Community Planning, Toronto and East York District

cc: 1173044 Ontario Limited 45 Fima Cres Toronto ON M8W 3R1