

McCarthy Tétrault LLP
 PO Box 48, Suite 5300
 Toronto-Dominion Bank Tower
 Toronto ON M5K 1E6
 Canada
 Tel: 416-362-1812
 Fax: 416-868-0673



Michael Foderick
 Partner
 Direct Line: (416) 601-7783
 Direct Fax: (416) 868-0673
 Email: mfoderick@mccarthy.ca

Assistant: Barredo, Hayley
Direct Line: (416) 601-8200 x542065
Email: hbarredo@mccarthy.ca

September 16, 2022

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
 1117 Queen Street West, City of Toronto**

We represent Queen Street Post Inc. (the "**Owner**"), the owner of the property municipally known as 1117 Queen Street West (the "**Property**"), in the City of Toronto (the "**City**").

Further to our previous correspondence of August 5, 2022, this letter serves as the Owner's formal Notice of Objection to the City's Notice of Intention to Designate the Property under subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "**Ontario Heritage Act**"). At no time prior to the issuance of the Notice of Intention to Designate was the Owner contacted about or consulted with on the proposed designation of the Property. In addition, our client is concerned that the designation process is being rushed unnecessarily, as no development application has been formally filed for the Property.

Our client is seeking to engage with both Heritage Planning staff, the Ward Councillor, and with the local community to discuss future redevelopment and repurposing options for the Property, which includes the provision of community space. The exploration of these options will require flexibility with respect to the heritage attributes of the Property in order for such possibilities to be feasible.

Despite the above, the Owner's position is 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 July 14, 2022 (the "**Reasons for Designation**"), preclude the viability of providing meaningful community space on the Property. The heritage attributes as currently written limit the ability to achieve redevelopment and repurposing possibilities that would conform with the policies of the City's Official Plan, represent good planning, and represent best heritage practices. The enacting of a designation by-law that contains the heritage attributes identified in the Reasons for Designation effectively sterilizes the

Property, which is counter to heritage best practice and the Standards and Guidelines for the Conservation of Historic Places in Canada (the “**Standards and Guidelines**”).

As such, we respectfully disagree with the Reasons for Designation as currently written. It is established case law that the purpose of the *Ontario Heritage Act* (and similarly, established heritage best practice in the Standards and Guidelines) is to balance the interests of the public, community, and the property owner – and as such, the Owner’s position is that the Statement of Significance as currently drafted would prevent all stakeholders from realizing a measured, respectful, and adaptive proposal.

While the Owner acknowledges that the Property may have *some* cultural heritage value of the Property (and is not opposed to its future designation under Part IV of the *Ontario Heritage Act* in principle), the Reasons for Designation, as currently drafted, are unhelpfully broad and merely describe existing architectural features of the former post office building (the “**Building**”), without making logical connections to the requisite statutory criteria for designation.

As it relates to all matters of design value, physical value, historical value, associative value, and contextual value, the Owner’s position is that the Reasons for Designation fail to connect the specific design principles of the stripped Beaux-Arts style, and/or the specific design principles relating to the prudent use of funds by the building program of the Department of Public Works of Canada, to any of the identified heritage attributes. Furthermore, the Owner’s position is that the following attributes are also overbroad and arbitrary:

- maintaining the two-storey scale, form, and massing, the flat roof and flat roof line, and the setback, placement, and orientation of the existing Building – the identification of these attributes effectively sterilizes the Property as it would preclude any ability to increase the density of the Property through reasonable and appropriate vertical development that implements an appropriate conservation strategy, and ignores that this segment of the West Queen West neighbourhood does not have a two-storey scale character;
- the identification of specific materials and specific architectural features (including but not limited to the identification of red brick cladding, brick and stone detailing, flat roofline, double-height pilasters, rusticated stone base, corner bays, piers, parapet, metal cornice, round arched openings, flat-arched/headed openings, stone stringcourses, the springline, the sill level, flanking entrances, symmetrically-arranged brick chimneys, and stone nameplate) – no justification was provided to explain how these attributes maintain the “historic character” of this segment of the West Queen West neighbourhood, or how they relate to, or contribute to, the design principles of the stripped Beaux-Arts style and/or the design principles relating to the prudent use of funds by the building program of the Department of Public Works of Canada;
- maintaining the scale, form, massing, and symmetrical organization of all of the existing Building’s four elevations, as well as the maintenance of the views of all four elevations of the Building from the public realm – it is overly broad and arbitrary for the Statement of Significance to require that all elevations are preserved in perpetuity, as:
 - the façades, as they currently exist, have undergone additions, alterations, and modifications that disrupt the Building’s historical symmetrical organization;

- it is unreasonable to assume that the necessary functioning of an occupied building composed of public uses (i.e., community space, loading, servicing, etc.) might not require a change to this configuration;
- it is unreasonable to assume that a reasonable and appropriate vertical development that implements an appropriate conservation strategy could not respect and accentuate any heritage value of the Property; and,
- a redesign or minor alteration of one or more of the façades to better implement a future development proposal could still respect and accentuate any heritage value of the Property;
- maintaining non-original features of the Building – many of the architectural features of the existing Building, including the accessible ramps and stairs, are not original features of the Building, but rather have been altered substantially from their original condition, yet are still identified as attributes of heritage value, and, in the case of the loading dock, which was constructed in its current form in approximately 2012, has been included implicitly as a feature integral to one of the four elevations (for which all four elevations have been stated in the attributes as being of equal importance);
- the phrase “[t]he use of the stripped Beaux-Arts style that reflected the emphasis on the prudent use of public funds, whilst maintaining an appropriate appearance of civic grandeur on all four elevations” – as described, this attribute is overly vague, and as currently written:
 - presupposes that minor additions or alterations to one or more of the elevations, or reasonable and appropriate vertical development that implements an appropriate conservation strategy could not maintain the stripped Beaux-Arts style and/or the design principles relating to the prudent use of funds by the building program of the Department of Public Works of Canada, or emphasize the “modest”, “prudent”, or “rational” use of public funds, or the civic grandeur of the Building; and,
 - presupposes that the civic grandeur of all four elevations has not undergone appropriate additions, alterations, and modifications, such as the construction of the loading dock, which has been included implicitly as a feature integral to one of the four elevations;
- the historic use of the Building as a post office or as an institutional use – no analysis or justification is provided as to the historic or associative features of the Building itself that contribute to any heritage value (i.e., any analysis on how any attribute other than the single stone “Postal Station C” nameplate meets this criteria); and,
- the identification of the Building as a “landmark” – no justification was provided to explain:
 - how the landmark quality of the Building could not be maintained or accentuated following a redesign or minor alteration of one or more of the façades, or following reasonable and appropriate vertical development that respects and

accentuates any landmark value of the Property and that implements an appropriate conservation strategy; and,

- how all four elevations of the Building are of equal importance in identifying the Building as a landmark when viewed from the public realm.

Please note that the foregoing analysis is not exhaustive and represents an example of the concerns our client has with the identified heritage attributes within the Statement of Significance. Our client also reserves the right to expand upon these issues and concerns as part of any future appeal to the Ontario Land Tribunal, should one be ultimately necessary.

As such, we respectfully request that the Notice of Intention to Designate for the Property be withdrawn until such time that meaningful, cooperative discussions and consultation with Heritage Planning, the Ward Councillor, and the local community can take place to identify heritage attributes and prepare an appropriate conservation strategy that reconciles the desire for community space, heritage conservation, and other planning objectives.

As stated previously, the Owner intends to engage with City staff and community stakeholders in order to address various objectives related to the redevelopment of the Property, and intends to continue with this consultative approach with a view to resolving the within issues on a consensus basis if possible.

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/JC

cc: Mary MacDonald, Senior Manager, Heritage Planning

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