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May 19, 2023

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

Our File No.: 223212

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

Attention: Administrator, Secretariat, City Clerk's Office

Dear Sir:

**Re: Notice of Objection to Intent to Designate 15 Elm Street, Toronto (the "Property")
Proposed Designation Pursuant to Part IV, Section 29 of the *Ontario Heritage Act*
(the "Act")**

We are the solicitors for 17 Elm GP Inc. in respect of the Property.

We are in receipt of the City of Toronto's (the "**City**") Notice of Intention to Designate the Property dated May 16, 2023 (the "**NOID**"). Pursuant to this letter, the reasons that follow, and additional reasons which may be provided in future correspondence, our client formally objects to the NOID.

Proposed Redevelopment of the Property

Our client has active *Planning Act* applications in respect of the Property, which were filed on September 14, 2022, and declared complete by October 31, 2022 (the "**Applications**"). The Applications propose to redevelop the Property with a new 30-storey mixed use building that will deliver much needed housing in the City. Among other things, the proposed redevelopment proposes a sustainable design that incorporates geothermal systems to promote energy efficiency.

The Property is currently improved by what was once a house form building that has been converted and altered to facilitate restaurant and other commercial uses (the "**Building**"). The Building is currently used as an Italian Deli.

Retention of the Building is inconsistent with the development proposed in the Applications.



Objection to NOID

We have reviewed the April 12, 2023 staff report of the Chief Planner and Executive Director, City Planning that recommended designation of the Property under Part IV of the Act (the “**Staff Report**”). The bulk of the Staff Report is comprised of general commentary on heritage planning, a description of historical events, and brief conclusory statements about how the Property should be evaluated against the regulated criteria for determining cultural heritage value or interest. The Staff Report does not provide a rational basis to conclude that the Property should be designated under Part IV of the Act.

The Staff Report fails to explain how the Building, which is significantly altered to have a storefront, can still be a rare and representative example of a “house-form building designed in the Georgian Revival style”, as altered.

With respect to the evaluation criteria related to historical or associative value, the Staff Report baldly states that the Property “yields, or has the potential to yield, information that contributes to an understanding of a community or culture”. There is no explanation given. The only commentary in that portion of the Staff Report is conclusory. It claims the “property is significant” and that “Elm Street has continued to provide an understanding of the built form of Toronto’s first immigrant neighbourhood”. There is no explanation provided to support those statements.

As part of the submission materials for the Applications, our client submitted a Cultural Heritage Evaluation Report dated December 22, 2022 (the “**CHER**”) that was prepared by ERA Architects Inc. (“**ERA**”). As per the City’s terms of reference, the purpose of the CHER was to assist the City in determining whether the Property has cultural heritage value. Section 16 of the CHER provides ERA’s statement of professional opinion:

ERA has evaluated the properties at 15-17 Elm Street using the provincial Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06) and found that they do not meet the criteria.

Based on the findings of this CHER, ERA does not recommend adding the properties to the City of Toronto Heritage Register. Documentation of the property and commemoration are not recommended.

The CHER details the relevant facts concerning the Property and why it is not a candidate for designation under Part IV of the Act.

Conclusion

We request that the NOID be withdrawn at the meeting of City Council scheduled to commence on July 19, 2023. 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.

Goodmans^{LLP}

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

Yours truly,

Goodmans LLP



Rodney Gill

RJG/

cc. ERA Architects
Client

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