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June 27, 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
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 May 23, 2023, and the previous objection filed on behalf of the Owner on September 16, 2022 (the "**2022 Objection**") for the previous Notice of Intention to Designate that was deemed to be withdrawn on May 16, 2023 (the "**2022 NOID**"), this letter serves as the Owner's formal Notice of Objection (the "**2023 Objection**") to the City's current Notice of Intention to Designate the Property under subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "**Heritage Act**"), which was adopted by City Council on June 14, 2023 (the "**2023 NOID**").

We note that City Council considered the 2022 Objection at its meeting on March 29, 30 and 31, 2023, and we wish to thank City staff for revising the "Statement of Significance (Reasons for Designation)" included as Attachment 3 to the Staff Report dated March 20, 2023 to exclude the loading dock on the rear (south) elevation from the list of heritage attributes, as was indicated in the 2022 Objection.

While the above-noted revision addresses one of the Owner's concerns, the Owner maintains that the current "Statement of Significance (Reasons for Designation)", included as Attachment 3 to the Staff Report dated May 12, 2023 and adopted by City Council on June 14, 2023 (the "**Reasons for Designation**") remains unhelpfully broad and descriptive in nature. Further, the Owner continues to be concerned that the designation process is being rushed unnecessarily, as no development application has been formally filed for the Property.

The Owner continues to engage in discussions with both Heritage Planning and Community Planning staff, the Ward Councillor and local community members, and wishes to continue this

process to explore future redevelopment and repurposing options for the Property, which includes the provision of community space, without the pressure of an impending designation. It continues to be the case that the exploration of these repurposing options will require flexibility with respect to the heritage attributes identified on the Property in order for such possibilities to be feasible.

The Owner's position remains that the heritage attributes and description of cultural heritage value contained in the Reasons for Designation have the effect of precluding 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 *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 *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 on the Property (the "**Building**"), without making logical connections to the requisite statutory criteria for designation. Further, the Statement of Cultural Heritage Value refers to the proposed West Queen West Heritage Conservation District, which has not yet been adopted by City Council and is therefore not in force. The presence (or absence) of a proposed Heritage Conservation District has no bearing on whether an individual property is of cultural heritage value.

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;
- 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;
- 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 the Owner has with the identified heritage attributes within the Statement of Significance. The Owner 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 be further advanced in order to identify heritage attributes and prepare an appropriate conservation strategy that reconciles the desire for community space, heritage conservation, and other planning objectives.

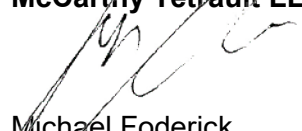
As stated previously, the Owner intends to continue engaging with City staff and community stakeholders in order to address various objectives related to the redevelopment of the Property, and intends to continue with this consultative approach with a view to resolving the within issues on a consensus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

Sincerely,

McCarthy Tétrault LLP



Michael Foderick
Partner

MF/DA

cc: Mary MacDonald, Senior Manager, Heritage Planning

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MTDOCS 48067079

John D. Elvidge, City Clerk - June 27, 2023