

Daniel B. Artenosi  
Partner  
Direct 416-730-0320  
Cell 416-669-4366  
dartenosi@overlandllp.ca

Overland LLP  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



August 24, 2023

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

Dear Mr. Elvidge,

**RE: 33 and 37 Maitland Street  
Notice of Objection by Carlyle Investments Inc. to the Notice of Intention to  
Designate issued by the City of Toronto on July 25, 2023  
Ontario Heritage Act, Section 29(5)**

We are the solicitors for Carlyle Investments Inc. ("**Carlyle**"), being the owner of the properties municipally known as 33 and 37 Maitland Street in the City of Toronto (the "**Site**").

On July 25, 2023, the City of Toronto (the "**City**") issued a Notice of Intention to Designate the Site under Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "**Notice of Intention**"). On behalf of our client, we hereby object to the Notice of Intention pursuant to Section 29(5) of the *Ontario Heritage Act* (the "**Notice of Objection**"). Our general reasons in support of the Notice of Objection are set out on a preliminary basis below.

### **The Subject Site**

The Site is rectangular in shape and located on the south side of Maitland Street between Yonge Street and Church Street, with approximately 35.1 metres of frontage on Maitland Street. Additional access to the Site is provided from Sky Gilbert Lane which is located along the rear of the Site. The Site is approximately 0.14 hectares (0.36 acres) in size and is currently occupied by two low-rise buildings, one of which is a 3-storey apartment building (33 Maitland Street) and the other which is a 2-storey office building (37 Maitland Street).

The existing building at 37 Maitland Street was listed on the City's Heritage Register on March 15, 1974. Following the filing of the site-specific applications described below, the existing building at 33 Maitland Street was recommended for inclusion on the Heritage Register in accordance with Section 27 of the *Ontario Heritage Act*. The proposed listing of 33 Maitland Street was adopted at the City Council meeting on February 7 and 8, 2023. Both 33 and 37 Maitland Street were subsequently recommended for designation at a Toronto Preservation Board meeting on July 13, 2023, and this recommendation was adopted by City Council on July 19, 2023.

A more detailed description of the Site, including a detailed heritage policy review and evaluation, is further discussed in the Heritage Impact Assessment prepared by GBCA Architects (dated September 6, 2022) and filed in support of the site-specific applications. A copy of the Heritage Impact Assessment is attached as Schedule "A" to this Notice of Objection.

## **The Proposed Development**

On September 6, 2022, Carlyle submitted applications for an Official Plan Amendment, a Zoning By-law Amendment, and Site Plan Approval, all of which were deemed complete as of November 24, 2022 (the “**Applications**”). The Applications were appealed to the Ontario Land Tribunal on April 28, 2023 and a Case Management Conference was held on August 10, 2023. A second Case Management Conference is scheduled for December 5, 2023.

The Applications propose to redevelop the Site with a 49-storey residential building that would conserve the key components of the existing structure at 37 Maitland Street. The development would contain 439 apartment dwellings (including 36 rental replacement units) and would consist of 42 studio units (9.6%), 265 one-bedroom units (60.4%), 87 two-bedroom units (19.8%), and 45 three-bedroom units (10.3%). The proposal has a gross floor area (GFA) of 31,831 square metres and a floor space index (FSI) of 22.04 (the “**Proposed Development**”). In addition to the Applications, Carlyle filed a concurrent application to permit the demolition of existing rental dwelling units (Application No. 22-203346 STE 13 RH). As noted above, all of the existing rental dwelling units are proposed to be replaced as part of the Proposed Development.

The design of the Proposed Development is informed by the fact that the Site has excellent access to higher order transit – being less than 400 metres from both the College and Wellesley Subway Stations. Maitland Street is also serviced by existing TTC streetcars and/or buses such as the transit routes along Carlton and College Street (Routes 506 and 19) which provide east/west service along Carlton/College Street and connect to the Yonge-Subway Line and the future Ontario Line.

## **Planning Context**

The Site is within the “Downtown and Central Waterfront” and the “Downtown Toronto Urban Growth Centre” boundaries on Map 2 and Map 6 of the City’s Official Plan (the “**City OP**”) and is designated Apartment Neighbourhoods on Map 18 of the City OP. Policy 2.2.1.2 of the City OP provides that “the Downtown will continue to be shaped as the largest economic node in the City and the region by attracting development that, among others, provides a full range of housing opportunities, advances economic competitiveness, and builds on the strength of the Downtown as the premier employment, institutional, retail, arts and culture, and entertainment centre in the Greater Golden Horseshoe”.

The Site is located within the “Wellesley-Wood Character Area” in the North Downtown Yonge Site and Area Specific Policy 382 (“**SASP 382**”) which was adopted by City Council through Official Plan Amendment 183 on November 15, 2013, appealed to the Tribunal by several landowners, and subsequently brought into force, in part (Tribunal Case No. PL131355). SASP 382 was adopted prior to numerous iterations of the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020), both of which reinforce the need to optimize land use and infrastructure, particularly for lands in close proximity to higher-order transit.

The Site is also located within the boundaries of two proposed Protected Major Transit Station Areas (“**PMTSA**”) that are identified as the College Station PMTSA and the Wellesley Station PMTSA through Site and Area Specific Policies 602 and 603, respectively. The proposed PMTSAs are included in Official Plan Amendment 524, which was adopted by City Council on February 2 and 3, 2022 and has been forwarded to the Minister of Municipal Affairs and Housing

for consideration as the approval authority. The policies adopted by the City identify minimum population and employment targets for the College Station PMTSA (1,000 residents and jobs per hectare) and the Wellesley Station PMTSA (1,200 residents and jobs per hectare).

The Site is zoned “Residential (R (d2.0)(x875))” under City Zoning By-law No. 569-2013, as amended, and “Residential (R3 Z2.5)” under former City Zoning By-law No. 438-86, as amended. The in-force zoning allows for residential uses in a variety of building typologies including apartment buildings.

### **Reasons for Objection**

The Proposed Development is carefully designed to conserve key elements of the existing building at 37 Maitland Street in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada. The high standards of heritage conservation and level of residential intensification directly implement key policy directions articulated in the 2020 Provincial Policy Statement, the 2019 Growth Plan, and the City Official Plan, all of which support the conservation of heritage resources, and promote intensification on sites within the built-up urban area that are well served by municipal infrastructure, including public transit.

As currently drafted, the Reasons for Designation are overly broad and attempt to capture certain exterior elements of 33 and 37 Maitland Street that are in need of repair and/or replacement. The Reasons for Designations are also based, in part, on locational characteristics that do on their face engage matters of heritage value, such as the Site being on the south side of Maitland Street.

The Reasons for Designation also refer to a character area that is informed by other properties beyond the property that is proposed for designation. We also note that several proposed features listed under the “Contextual Value” sections for 33 Maitland Street and 37 Maitland Street identify what appear, on their face, to be physical features of the existing buildings rather than contextual characteristics that warrant designation. The Reasons for Designation for 37 Maitland Street also propose to include extensions to the original structure (including side and rear additions) as physical features that have design value. We submit that these components of the existing structure are not prominent design features with significant cultural heritage value.

As set out in the HIA, the proposed demolition of 33 Maitland Street would have minimal cultural heritage impact, and the retention of 33 Maitland Street could undermine the conservation of 37 Maitland Street. We submit that the property at 33 Maitland Street is not an appropriate candidate for designation under Part IV of the Ontario Heritage Act.

To the extent that designation is pursued for the property at 37 Maitland Street, the Reasons for Designation should be refined in conjunction with the review of the Proposed Development, the supporting HIA and the final determination of the Applications. These are matters that are currently before the Tribunal, although a hearing for the appeals has not been scheduled. Our client is in ongoing discussions with Staff in respect of the Proposed Development, including as it relates to matters of heritage conservation.

We hereby request notice of any decision in respect of this Notice of Objection by City Council in accordance with Section 29(7) or (8) of the Ontario Heritage Act. Should you require any further information in support of this Notice of Objection, please advise the undersigned and Michael Cara (at [mcara@overlandllp.ca](mailto:mcara@overlandllp.ca) or 416-730-8844).

Yours truly,  
**Overland LLP**

A handwritten signature in black ink, appearing to read "Dan Artensosi", written in a cursive style.

Per: Daniel B. Artensosi  
Partner

Encl.

**Schedule "A"**

Heritage Impact Assessment prepared by GBCA Architects (September 6, 2022)

Schedule A is on file with the Senior Manager, Heritage Planning, Urban Design, City Planning