

Daniel Artenosi
Partner
Office: 416-730-0320
Mobile: 416-669-4366
dartenosi@overlandllp.ca

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

overland

November 3, 2023

VIA ELECTRONIC SUBMISSION (to hertpb@toronto.ca)

Toronto Preservation Board
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Matthew Green

Dear Sirs/Madams:

**RE: Item PB11.2 – Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act
119 Church Street, 127 Church Street, and 89 Queen Street East**

We are the lawyers for CCD 119 Church Street GP Inc., which has interest in the lands municipally known as 119 to 127 Church Street, and 89 Queen Street East (collectively, the “**Properties**”).

On October 30, 2023, our client was notified that City Staff was proceeding with a recommendation to City Council that it issue notice of intention to designate the Properties under Part IV, Section 29 of the Ontario Heritage Act. The Properties are described in the supporting Report prepared by the Senior Manager, Heritage Planning, Urban Design, City Planning dated October 23, 2023 (the “**Staff Report**”) as *the properties at 119 Church Street, 127 Church Street (including entrance addresses 121 and 123 Church Street), and 89 Queen Street East (including entrance address 85 Queen Street East)*.

At this juncture, and for the reasons set out below, we are writing to request that Item PB11.2 be deferred. Given the nature of our request, we have not included a substantive review of the recommendations and supporting reasons in the Staff Report, including as it relates to the proposed Statements of Significance (Reasons for Designation) for each of the Properties included as Attachments 3 to 5.

As noted in the Staff Report, the Properties are the subject of active applications for a Zoning By-law Amendment and Site Plan Approval, which were submitted to the City on August 4, 2022 (the “**Applications**”). As of the date of the Applications, none of the Properties were listed on the City’s Heritage Register. Rather, the Applications triggered the City’s review of the potential designation of the Properties under Part IV of the Ontario Heritage Act.

At the request of Staff, on August 31, 2022 our client agreed to extend the statutory time period for City Council to issue notices of intention to designate the Properties under Section 29 of the Ontario Heritage Act until July 15, 2023. Through the application review process, our client

agreed to a further extension until December 31, 2023. As reflected in the Staff Report, these extensions provided our client and Staff with the opportunity to engage in productive discussions to address issues raised by Heritage Planning Staff through the application review process. For example, in response to Staff comments, our client undertook investigative testing on the building at 125 Church Street. The Staff Report indicates that our client's heritage consultant has provided sufficient evidence to indicate that the masonry is in poor condition, that replacements would be more substantial than repairs to restore the structure, and that the property has been significantly altered resulting in the loss of its architectural integrity. The Staff Report further states that City Staff will work with the heritage consultant on a commemoration plan for the property's historical significance to the area, presumably through the redevelopment of the Properties although the Staff Report does not provide a recommendation in respect of the Applications.

Our client agreed to extend the statutory timelines discussed above to afford additional time for Staff to undertake a comprehensive assessment of the proposed development and implementing Applications, including as it pertains to the issue of whether designation of the Properties under Section 29 of the Ontario Heritage Act is appropriate, and if so, on what basis. Up until this juncture, this assessment has proceeded on a comprehensive basis, which provides obvious advantages, including as it relates to achieving consistency in results for each matter under consideration.

In these circumstances, we are requesting that Item PB11.2 be deferred so that the comprehensive assessment initially undertaken by City Staff and our client and its consultant team is completed, allowing Staff recommendations in respect of the proposed designation under Section 29 of the Ontario Heritage Act and the Applications to be considered together.

It would appear from the Staff Report that the timing for consideration of Item PB11.2 is predicated on the impending expiry of the second extension that our client agreed to (December 31, 2023). We hereby advise that our client will consent to a further extension of the statutory timeline for the City to issue notice of intention to designate the Properties to facilitate the comprehensive assessment discussed above. To this end, we would be pleased to discuss an appropriate timeline with Staff to facilitate this objective.

Please provide us with written notice of City Council's decision in respect of this matter and/or any decision in respect of our request for deferral by any Committee of City Council.

Should you require any further information in respect of this request, please contact the undersigned and Michael Cara (at mcara@overlandllp.ca or 416-730-8844).

Yours truly,

Overland LLP



Per: Daniel Artenosi
Partner