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November 14, 2023

By E-Mail

Our File No. 306644

John Elvidge, City Clerk
Attn: Secretariat, City Clerk's Office
Toronto City Hall
2nd Floor West
100 Queen St. W.
Toronto ON M5H 2N2
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Dear Mr. Elvidge:

Re: 509 Parliament Street - Notice of Objection to the Notice of Intention to Designate pursuant to Part IV, Subsection 29(5) of the *Ontario Heritage Act*

We act on behalf of Streetwise Properties Inc., with respect to the properties municipally known as 505, 507 and 509 Parliament Street (collectively, the “**Site**”) in the City of Toronto (the “**City**”). The Site is located on the east side of Parliament Street, south of Winchester Street and north of Carlton Street. The existing structure on 509 Parliament Street (the “**Property**”) is a one- and two-storey structure.

Objection to Notice of Intention to Designate

We are in receipt of the City's Notice of Intention to Designate the Property dated October 17, 2023. For the reasons outlined herein, please accept this correspondence as notice that our client objects to the proposed designation of the Property.

Background: Development Application, HIA, CHER for the Site

On March 21, 2023, our client's planning consultant, WND Associates, submitted a Zoning By-law Amendment application for the Site for the development of a new 10-storey mixed-use building (the “**Application**”). The Application was deemed complete as of March 30, 2023 and a Community Consultation meeting was held on May 30, 2023. Since the initial submission, our client and its consultants have been working cooperatively with City Staff as the Application is processed and circulated.

Included with the Application materials was a Heritage Impact Assessment (“**HIA**”) and a Cultural Heritage Evaluation Report (“**CHER**”) prepared by ERA, both dated March 9, 2023. The CHER provided a comprehensive assessment of the Property's cultural heritage value. The HIA relied on the CHER's cultural heritage value assessment to determine the impact of the development proposed by the Application. Both the HIA and the CHER were prepared in accordance with the City's updated Terms of Reference for such reports.

ERA's CHER concluded that the Property was not a candidate for designation. In particular, the CHER identified that the former theatre at 509 Parliament Street was not notable, and had sustained substantial alterations since its construction:

509 Parliament is neither a rare, unique, representative or early example of a neighbourhood movie theatre constructed in Toronto during the interwar years. (p. 53)

The building's modest interior and exterior design does not demonstrate a high degree of artistic merit, nor does it particularly reflect the work of architect Herbert G. Duerr, based on a comparison of his work from this period. Several elements on the exterior and interior have been altered. (p. 55)

The CHER identified that the Property carries nominal value in its association with institutions like the Canadian Broadcasting Corporation and the Canadian Contemporary Dance Theatre, as well as for its general contribution to the streetscape character along Parliament, however the analysis concluded that neither factor rose to a level that would warrant protection through designation under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 (the "OHA"). As noted in the CHER:

While associated with the CBC and the CCDT, this has been determined to have nominal value as the property does not bear strong evidence of these associations. While its height and zero lot-line condition contribute to the streetwall along this section of Parliament Street, the property itself is not important in defining, maintaining or supporting the fine-grained character of the area. (p. 55)

Notwithstanding the above, the Application proposes to retain elements of the existing building, including its frontage onto Parliament Street, in recognition of its nominal contribution to the Parliament streetscape.

Despite the CHER's conclusions, on October 11, 2023, City Council resolved to state its intention to designate 509 Parliament Street, pursuant to Part IV, subsection 29 of OHA. Our client received the City's Notice of Intention to Designate ("NOID") on October 17, 2023. Please accept this letter as a formal objection to the Notice of Intention to Designate.

Reasons for Objection

Our client, informed by the expert analysis of its consultants, takes issue with and objects to the recommendation that the Property should be designated pursuant to Part IV of the OHA. Our client objects to the Statement of Significance (Reasons for Designation) in the NOID, including but not limited to the ideas that the building constitutes a representative example of the Classical Revival style or a rare example of a neighbourhood theatre, that it reflects the work of architect Herbert G. Duerr, or that its contribution to the streetscape is so integral that it warrants designation.

For these reasons, together with additional reasons which may be shared in future correspondence, our client formally objects to the Notice of Intention to Designate for the Property. We ask that Toronto City Council consider this objection on the basis of the conclusions in the CHER.

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We would ask that this correspondence be included on the public record and as part of any subsequent consideration of this matter by Toronto City Council. We also request notice of any subsequent decisions made in respect of this matter.

We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Andrea Skinner
Partner

AS/NM

Cc: Client
Ms. Emma Abramowicz, ERA Architects Inc.
Ms. Naomi Mares, Aird and Berlis LLP

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