

Reply to the Attention of: Mary Flynn-Guglietti
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Our File No.: 248950

Date: March 11, 2024

EMAIL (RegistrarCCO@toronto.ca)

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

Attention: Clerk of the City of Toronto

Dear City Clerk:

Re: **Notice of an Objection to the Notice of Intention to Designate a Property under Part IV, Section 29 of the *Ontario Heritage Act* 505 University Avenue (including entrance address 136 Edward Street)**

We are the solicitors retained on behalf of Cartareal Corporation N.V., ("**Cartareal**"), owner of the lands municipally known as 505 University Avenue, in the City of Toronto (the "**Subject Site**"). The Subject Site is located on the northeast corner of University Avenue and Edward Street.

We are in receipt of a Notice of Intention to Designate the Subject Site under Part IV, Section 29 of the *Ontario Heritage Act*, dated February 9, 2024. Kindly accept this letter as Cartareal's formal Notice of Objection to the Notice of Intention to Designate the Subject Site.

Reasons for the Objection and Relevant Facts:

1. Provincial Policy Statement ("PPS"), A Place to Grow: Growth Plan for the Greater Golden Horeshoe ("Growth Plan") and the City of Toronto Official Plan:

Pursuant to Part III of the PPS the provincial policy-led planning system recognizes and addresses the complex inter-relationship among environmental, economic and social factors in land use planning. Specifically, Part III of the PPS states as follows:

"It is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work

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together. The language of each policy, including the implementation and interpretation policies, will assist decision makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the PPS as a whole.

There is no implied priority in the order in which the policies appear.”

In addition to the PPS, the Growth Plan is designed to promote economic growth, increase housing supply, create jobs and build communities that make life easier, healthier and more affordable for people of all ages. Under policy 1.2.1 of the Growth Plan it states that we are to “prioritize intensification and higher densities in *strategic growth areas* to make efficient use of land and *infrastructure* and support transit viability”. Similar to the PPS the Growth Plan is to be read in its entirety and the relevant policies are to be applied to each situation and there is no implied priority in the order in which the policies appear.

The Subject Site is located within the *Downtown* in the City of Toronto Official Plan, Urban Structure Map 2, where significant growth is planned to be accommodated and within the *Mixed Use Areas* designation and *Mixed Use Areas 1 – Growth* in OPA 406. The property is centrally located in the *Downtown* and is in close proximity to higher order transit, retail shops, services, restaurants, entertainment, institutional and commercial uses. The Subject Site is an ideal candidate for redevelopment which can accommodate significant residential intensification in keeping with the growth and intensification policies of the PPS, the Growth Plan and the City’s Official Plan.

A Rezoning Application was filed with the City of Toronto (“**City**”) on August 31, 2022 to permit a 64 storey mixed use building with a 12 storey office podium. The rezoning application allows for significant residential intensification that will increase the housing supply within a *strategic growth area* in close proximity to higher order transit. The Rezoning application meets many of the priorities for intensification as set out in the PPS, the Growth Plan and the City of Toronto Official Plan.

2. Heritage Impact Assessment dated August 15, 2022 prepared by Goldsmith Borgal & Company Ltd., Architects:

Presently the Subject Site is not listed or designated under Part IV of the *Ontario Heritage Act*.

The existing building is not proposed to be conserved *in situ*. The existing building does not occupy the full site. The tower occupies only approximately a third of the site and therefore conserving the existing building challenges the potential for intensification of the site.

As part of the Rezoning application a Heritage Impact Assessment, dated August 15, 2022 was prepared by Goldsmith Borgal & Company Ltd. Architects (“**GBCA Report**”). A copy of the GBCA Report is attached to this letter. The GBCA Report outlines the numerous challenges to preserving the building *in situ* together with the strategy to mitigate the adverse impact on cultural heritage value. The proposal focuses on salvage and re-installation of materials and building design reinterpretation. The proposed reinterpreted building design will maintain some of the building’s design features, including floor to floor heights and window pattern fenestration such that the new reinterpreted building will be of its own time, and adapted to the current project, while incorporating important features of the original building design.

The main items to be salvaged, restored and reinstated in the new reinterpreted building include select stone panels (from the west and south elevations), select granite panels and select aluminium screens of the 13th floor mechanical level. It is important to note that the new reinterpreted building will achieve appropriate commemoration which is one of the suite of tools available in the conservation process.

It is also important to note that inclusion of the building’s design features such as floor to floor heights and window pattern fenestration will continue to allow the building to define part of the University Avenue streetscape.

We also note that the mitigation strategy and commemoration process as set out in the GBCA Report is not discussed or evaluated, nor is there a discussion regarding the opportunity to significantly intensify the site to allow a mixed-use development that will incorporate significant residential development that meets the growth and intensification policies of the Provincial Policy Statement, the Growth Plan and the City’s Official Plan.

3. Reference to the Building as the Shell Oil Building:

We have had an opportunity to review the January 3, 2024, Statement of Significance Report and wish to comment specifically regarding the reference to the significance of the Subject Site and Shell Oil. It is important to note that Shell Oil occupied the building from 1958 to 1983 wherein Shell Oil moved its head office out of Toronto and the province of Ontario altogether and relocated to Calgary, Alberta. The present owners of the Subject Site have owned the building since 1983 and it has been used as a multi-tenanted office building for over 40 years, which is 2/3rds of the building existence. Shell Oil only occupied the building for 25 years, a much shorter time frame than the existing owners.

4. Existing Building is not as Originally Designed:

The building located on the Subject Site was originally built as a 13-storey structure, an additional 7 stories was later added to the building in 1966. Accordingly, the building was substantially altered with the 7-storey vertical addition. The purity of the original design has been significantly altered from the original structure

Conclusions:

For the reasons as discussed above, on behalf of Cartareal we strongly object to the designation of the Subject Site under Part IV of section 29 of the *Ontario Heritage Act*. Kindly ensure that we are notified of Council's decision in connection with the proposed designation.

Yours truly,

A handwritten signature in blue ink that reads "Mary Flynn-Guglietti". The signature is written in a cursive, flowing style.

Mary Flynn-Guglietti*

*A Professional Corporation

Encl.

CC: Cartareal Corporation N.V., Attention: David McCordic
Goldberg Group, Attention: Mr. Michael Goldberg & Ms. Michelle Tiger
GBCA, Attention: Mr. Chris Borgal