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Toronto ON M5H 3B7

Patrick Gajos
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Direct: 647 261 9312
patrickgajos@gmail.com

March 14, 2024

Via Email: hertpb@toronto.ca

Julia Rady (Chair) and Paul Cordingley (Vice Chair)

c/o: all members: Robert Allsopp, Koorosh Attarian, Yeo-Jin (Katerina) Bong, Alex Grenzebach, C. Parthi Kandavel, Geoff Kettel, Mitchell May, Rick Schofield, Wendy Wong, Adam Wynne

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

Dear Ms. Rady and Mr. Cordingley,

Re: Request to Adjourn Item 2024.PB15.7 – Toronto Preservation Board – Meeting 15

I am counsel to the Applicants/homeowners regarding Item 2024.PB15.7 scheduled to be considered by the Toronto Preservation Board (TPB) at Meeting 15 on March 18, 2024. I would greatly appreciate you bringing this request to the attention of the Board during routine business at the start of the meeting for approval.

REQUEST: the purpose of this letter is to respectfully request that *Item 2024.PB15.7* be adjourned to a later meeting of the TPB. The date on which the matter will be considered by TPB to be mutually agreed upon by Toronto Heritage and the Applicants.

REASONS FOR REQUEST: the reasons for the Applicants requesting this adjournment are summarised as follows:

1. The Applicants would like the opportunity to properly review and respond to the report of Toronto Heritage dated February 27, 2024;
 - a. The Applicants were not provided with notice of the report from Toronto Heritage at any point, despite having counsel on record;
 - b. The report was only made available to them less than five (5) business prior to Meeting 15 of the TPB when it was publicly posted online;
2. The Applicants would like to work with Toronto Heritage to correct certain factual inaccuracies that, at least in part, form the basis of its recommendations to TPB;
3. The Applicants would like to work with Toronto Heritage to ensure the record available to TPB is complete as it currently does not contain directly relevant material and detail that has been produced to Toronto Heritage with the expectation that it would be appended to its report;

4. The Applicants would like the opportunity to have their counsel of record attend the meeting of TPB at which this matter will be considered;
 - a. Through no fault of their own, the Applicants only became aware that submissions of counsel would be required less than 5 business days prior to Meeting 15 of the TPB, and their counsel of record cannot attend on that date due to a scheduling conflict requiring his appearance on a different matter in front of a Division of the Ontario Superior Court;
5. The adjournment will help promote Section 1.1 of the Official Plan of the City of Toronto which “*encourages decision making that is long range, democratic, participatory and respectful of all stakeholders*” (see Chapter 1 page 2);
6. There exists the real possibility of prejudice and/or irreparable harm to the Homeowners if the adjournment request is not granted;
7. Toronto Heritage has not identified any risk of harm or prejudice and there is no risk of harm or prejudice to any heritage objective by granting the adjournment request; a copy of the correspondence with Toronto Heritage on this issue is enclosed with this letter; and
8. Procedural fairness and efficiency would be best preserved through an administrative adjournment to a future meeting of the TPB.

BACKGROUND: beginning around February 2023, the Applicants began the refurbishment of a neglected Class “C” heritage property to make it suitable for occupancy as their primary family home. From the start of this project to present, the Applicants have worked closely with all applicable permitting authorities and have demonstrated a track record of commitment to building and heritage best practices in Toronto. They have dedicated significant time and resources to ensuring the project was planned and executed according to appropriate standards.

On or around September 2023, Toronto Heritage identified several heritages matters that required further attention and consideration of heritage principles. Most of those issues were resolved collaboratively through the delegated authorities bestowed upon Toronto Heritage.

Certain matters however were identified by Toronto Heritage as falling outside the scope of their delegated authorities. On January 18, 2024, the Applicants provided notice to Toronto Heritage that I had been retained as counsel of record to collaboratively assist with this matter, including with retaining a heritage expert architect and providing guidance on the *Heritage Act*. I corresponded with the assigned Assistant Heritage Planner to determine a mutually workable schedule for the exchange of documents and information in preparation for a Meeting of the TPB. From my correspondence, I had understood Toronto Heritage was supportive of working collaboratively to reach a joint recommendation for TPB. A copy of the correspondence is enclosed with this letter.

Toronto Heritage and the Applicants further narrowed the remaining issues to work that had already been substantially completed on (i) the windows of the subject property, and (ii) stonework on the front elevation of the subject property. The work to these areas had already reached substantial completion on or around September 2023. A simple adjournment will not have any impact as the work has already been completed for more than six months.

On February 1, 2024, the Applicants submitted to Toronto Heritage a comprehensive document that outlined an overview of the narrowed issues and appended the expert report of a Professional

Architect specializing in heritage conservation regarding a heritage impact analysis and report on the subject property. A copy of that correspondence is enclosed with this letter.

On March 11, 2024, the Applicants first ever learned that Toronto Heritage had completed a report on the subject property when reviewing the Agenda of TPB for Meeting 15, scheduled to take place less than 5 business days later, with recommendations that do not reflect or reference the expert opinion of the Professional Architect specializing in heritage conservation. The report of Toronto Heritage was never disclosed to the Applicants, nor were any of its contents, analysis or assumptions provided for comment or response.

On March 12 and 13, 2024, I corresponded with the Assistant Heritage Planner to outline the reasons for this adjournment request. A copy of the correspondence is enclosed with this letter.

The Applicants have invested significant time and resources into working with Toronto Heritage in good faith to advance the objects of the *Heritage Act*. Without having a meaningful opportunity for the Applicants to participate in this meeting of the TPB, the risk of inadvertently acting counter to those objects is heightened. Further, as the subject property is the principal residence of the homeowners and their family, the decision of the TPB is of the highest importance to them. An adjournment would provide for the most efficient path forward in considering this matter.

For these reasons, I respectfully submit this request to adjourn the matter.

Yours truly,

Patrick Gajos

Encl. as noted above, please note personal identifying information has been redacted for privacy.

From: [REDACTED]@toronto.ca>
Sent: February 2, 2024 10:42 AM
To: patrickgajos [REDACTED]
Subject: RE: [REDACTED] - TPB Submission - March 18, 2024

Thank you, Patrick. I will give this a review and get back to you should I have any questions.

[REDACTED]

[REDACTED] (he/him)
Assistant Heritage Planner | Heritage Planning
City Planning Division - Urban Design, Heritage | Toronto City Hall
100 Queen Street West | Toronto, ON, M5H 2N2
Tel: 416 [REDACTED] | [REDACTED]@toronto.ca



From: patrickgajos [REDACTED] <patrickgajos [REDACTED]>
Sent: February 1, 2024 12:35 PM
To: [REDACTED]@toronto.ca>
Subject: [External Sender] [REDACTED] - TPB Submission - March 18, 2024

Hi [REDACTED]

Please find the attached Submission for the Board's consideration at its March 18, 2024 meeting.

Do not hesitate to reach out if I could be of any assistance in the meantime.

Thanks,
Patrick



PATRICK GAJOS
BARRISTER AND SOLICITOR
+1 (647) [REDACTED]
patrickgajos [REDACTED]

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[*****Added note*****]

Attachments to email of Feb 1, 2024:
Applicant's Submission
Site Plan
Heritage Assessment Report (Expert Heritage Architect)
Information and Photographs re Sash Style Centre Bar Windows
Information and Photographs re Tinted Limestone]

*****End added note*****]

From: [REDACTED]@toronto.ca>
Sent: January 22, 2024 12:42 PM
To: patrickgajos [REDACTED]
Subject: RE: RE: Re: Toronto Preservation Board Follow Up

Yes it would.

Look forward to hearing back,

[REDACTED]

[REDACTED] (he/him)

Assistant Planner | Heritage Planning
City Planning Division - Urban Design, Heritage | Toronto City Hall
100 Queen Street West | Toronto, ON, M5H 2N2
Tel: 416 [REDACTED] | [REDACTED]@toronto.ca



From: patrickgajos [REDACTED] <patrickgajos [REDACTED]>
Sent: January 22, 2024 9:18 AM
To: A [REDACTED]@toronto.ca>
Subject: [External Sender] RE: Re: Toronto Preservation Board Follow Up

Hi [REDACTED]

I'm very much looking forward to working with you. I'm trying my best to finalize the expert report and [REDACTED] submission to the TPB this week. I suspect this would allow us to get on the agenda for the TPB meeting in March, is that correct?

I will keep you posted and please let me know if there is anything I can do to help you or with the process at any point.

Thanks,
Patrick



PATRICK GAJOS
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patrickgajos [REDACTED]

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From: [REDACTED]@toronto.ca>
Sent: Thursday, January 18, 2024 7:09 PM
To: [REDACTED]

Cc: Patrick Gajos [REDACTED]
Subject: RE: Re: Toronto Preservation Board Follow Up

Happy new year to you and your family. Nice to hear from you.

I look forward to working with Patrick and receiving the material.

Regards,

[REDACTED] (he/him)
Assistant Planner | Heritage Planning
City Planning Division - Urban Design, Heritage | Toronto City Hall
100 Queen Street West | Toronto, ON, M5H 2N2
Tel: [REDACTED] | [REDACTED]@toronto.ca



From: [REDACTED]
Sent: January 18, 2024 4:45 PM
To: [REDACTED]@toronto.ca>; [REDACTED]
Cc: Patrick Gajos [REDACTED]
Subject: [External Sender] RE: Re: Toronto Preservation Board Follow Up

Hi [REDACTED]

I hope you enjoyed the holidays, and Happy New Year. Its been a while since we last spoke, and I wanted to write and provide an update on our submission for the upcoming TPB hearing.

I am copying our counsel, Patrick Gajos, who is helping us prepare our submission for the Board. He has a wealth of experience with these types of submissions, and we retained him to make sure the Board has everything it needs to make a its decision. I understand we are in the final stages of preparing this submission and expect to deliver it you shortly. I will leave it to Patrick to keep you updated. Please do not hesitate to reach out if we can be of any assistance in the meantime. Thank you again for your help and guidance throughout this process, it has been greatly appreciated and we are looking forward to resolving this matter.

Thanks,
[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]

From: patrickgajos [REDACTED]
Sent: March 14, 2024 10:52 AM
To: [REDACTED]
Subject: Item 2024.PB15.7

Hi [REDACTED] – having not heard back from you regarding my inquiry to provide reasons or point to any authority that would suggest the TPB granting my request for an adjournment would prejudice heritage principles, I will proceed on the basis of the information you have provided below.

Thanks,
Patrick



PATRICK GAJOS
BARRISTER AND SOLICITOR
+1 (647) [REDACTED]
patrickgajos@[REDACTED]

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From: patrickgajos@[REDACTED] <patrickgajos@[REDACTED]>
Sent: Wednesday, March 13, 2024 12:55 PM
To: 'A [REDACTED]'@toronto.ca
Subject: RE: Re: Re: RE: RE: [REDACTED] - TPB - March 18, 2024

Thanks [REDACTED]

Please let me know what is the reason for opposing this request to adjourn, and what, if any, authority, are you relying on in opposing the request?

Patrick

From: [REDACTED] >
Sent: Wednesday, March 13, 2024 12:45 PM
To: Patrick Gajos <patrickgajos@[REDACTED]>
Subject: RE: Re: Re: RE: RE: [REDACTED] - TPB - March 18, 2024

I apologize if this is confusing. We have written a report and we must move forward. We cannot support the deferral. Thus, in your asking, Heritage Planning opposes this request.

Best,

[REDACTED] (he/him)
Assistant Heritage Planner | Heritage Planning
City Planning Division - Urban Design, Heritage | Toronto City Hall
100 Queen Street West | Toronto, ON, M5H 2N2
Tel: [REDACTED] | [REDACTED]@toronto.ca



From: Patrick Gajos <[patrickgajos@\[REDACTED\]](mailto:patrickgajos@[REDACTED])>
Sent: March 13, 2024 11:50 AM
To: [REDACTED]@toronto.ca>
Subject: [External Sender] Re: Re: RE: RE: [REDACTED] - TPB - March 18, 2024

Hi [REDACTED] - I'm afraid I don't understand what that means. Could you please clarify?

Typically an impacted party can:

1. Take no position on the request to adjourn;
2. Consent to the request to adjourn; OR
3. Oppose the request and state its reason for the objection.

Which one of these three positions is Toronto Heritage taking?

I would greatly appreciate getting your position right away so I can properly inform the TPB without further delay. As you've pointed out, the words "cannot support the position" are confusing and are not a position I have ever seen taken by any party. This is a very basic request that I would be surprised to see Toronto Heritage take issue with.

As I advised you immediately when it came to my attention, Toronto Heritage did not provide counsel of record with notice that they would be submitting a report, Toronto Heritage did not refer to the materials that the applicants went through considerable effort and expense to provide, and Toronto Heritage did not provide counsel of record to the applicants with the report when it was finalized on February 27, 2024. I had learned of the report for the very first time less than 5 days before the TPB's scheduled meeting, through my own inquiries.

Further compounding that issue is that having not been advised that Toronto Heritage would be submitting a report as described above, I have a scheduling conflict in which I am required to appear in Court on March 18 at 9:30AM for a full day motion as lead counsel. It would be unfairly prejudicial for this matter to be considered by the TPB without allowing for counsel to the applicants to properly respond to the report and provide submissions to the TPB.

This is a reasonable request to preserve fairness in the process in the most efficient manner. I am simply requesting a routine adjournment, and for Toronto Heritage to not interfere with the applicants ability to meaningfully participate in this process which impacts them greatly.

Please advise.

Thanks,
Pat

On Wed, Mar 13, 2024 at 11:27 [REDACTED]@toronto.ca> wrote:

Hi Patrick,

That statement indicates that we have no comments on your request which can be taken out of context (I.e., No concerns with your request). If you submit a request and state Heritage Planning's position, you must state that we cannot support the deferral as advised.

Regards,

[REDACTED] (he/him)

Assistant Heritage Planner | Heritage Planning

City Planning Division - Urban Design, Heritage | Toronto City Hall

[100 Queen Street West | Toronto, ON, M5H 2N2](#)

Tel: [REDACTED] | [REDACTED]@toronto.ca



From: Patrick Gajos <[patrickgajos@\[REDACTED\]](mailto:patrickgajos@[REDACTED])>
Sent: March 13, 2024 11:18 AM
To: [REDACTED]@toronto.ca
Subject: [External Sender] Re: RE: RE: [REDACTED] - TPB - March 18, 2024

Hi [REDACTED] - great thank you for confirming. I will state in my request that "Toronto Heritage has advised me it takes no position on this request to adjourn the matter to a future meeting of the TPB".

Thank you.

Patrick

On Wed, Mar 13, 2024 at 11:06 [REDACTED]@toronto.ca> wrote:

Hi Patrick,

Apologies for the delayed response. You may ask the TPB but we cannot support the deferral.

Regards,

[REDACTED] (he/him)

Assistant Heritage Planner | Heritage Planning

City Planning Division - Urban Design, Heritage | Toronto City Hall

[100 Queen Street West | Toronto, ON, M5H 2N2](#)

Tel: 416 [REDACTED] | [REDACTED]@toronto.ca



From: [patrickgajos \[REDACTED\]](#) <[patrickgajos \[REDACTED\]](#)>
Sent: March 13, 2024 10:02 AM
To: [REDACTED]@toronto.ca>
Subject: [External Sender] RE: RE: [REDACTED] - TPB - March 18, 2024

Hi [REDACTED] – would you please let me know this morning that Toronto Heritage is comfortable with me asking for an adjournment to a future TPB meeting regarding Item 2024.PB15.7 on the schedule for March 18?

I need to get the request in today during business hours.

Thanks,

Patrick



PATRICK GAJOS
BARRISTER AND SOLICITOR
+1 (647) [REDACTED]
patrickgajos@[REDACTED]

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From: [patrickgajos \[REDACTED\]](#) <[patrickgajos \[REDACTED\]](#)>
Sent: Tuesday, March 12, 2024 2:33 PM
To: [REDACTED]@toronto.ca>
Subject: RE: RE: [REDACTED] - TPB - March 18, 2024

Hi [REDACTED] – I am asking if Toronto Heritage can confirm that it is agreeable to this date being adjourned (i.e. it will not oppose my request to adjourn)? The decision whether or not to adjourn the matter rests with TPB, but I'd like to be able to tell the Board that my clients are requesting an adjournment and Toronto Heritage is agreeable to that.

Thanks,
Patrick

From: [REDACTED]@toronto.ca>
Sent: Tuesday, March 12, 2024 2:26 PM
To: [patrickgajos@\[REDACTED\]](mailto:patrickgajos@[REDACTED])
Subject: RE: RE [REDACTED] - TPB - March 18, 2024

Toronto Heritage Planning cannot consent to that. You must only request this from the panel at the TPB.

[REDACTED] (he/him)

Assistant Heritage Planner | Heritage Planning

City Planning Division - Urban Design, Heritage | Toronto City Hall

[100 Queen Street West | Toronto, ON, M5H 2N2](#)

Tel: 416 [REDACTED] | [REDACTED]@toronto.ca



From: [patrickgajos@\[REDACTED\]](mailto:patrickgajos@[REDACTED]) <[patrickgajos@\[REDACTED\]](mailto:patrickgajos@[REDACTED])>
Sent: March 12, 2024 11:21 AM
To: [REDACTED]@toronto.ca>
Subject: [External Sender] RE: [REDACTED] - TPB - March 18, 2024

Hi [REDACTED] – thanks for letting me know.

Can you please confirm that you consent to the matter being adjourned (i.e. deferred to a later meeting date)?

I will then submit the request to the TPB.

Thanks,

Patrick

From: [REDACTED]@toronto.ca>
Sent: Tuesday, March 12, 2024 11:17 AM
To: patrickgajos [REDACTED]
Subject: RE: RE: Re: Re: RE: RE: [REDACTED] - TPB Submission - March 18, 2024

Hi Patrick,

Hope you are well. A notice was sent to the homeowners. Toronto Heritage Planning cannot withdraw its comments on this application. You may only request a deferral at the hearing.

Regards,

[REDACTED] (he/him)

Assistant Heritage Planner | Heritage Planning

City Planning Division - Urban Design, Heritage | Toronto City Hall

[100 Queen Street West | Toronto, ON, M5H 2N2](#)

Tel: 416 [REDACTED] | [REDACTED]@toronto.ca



From: patrickgajos [REDACTED] <patrickgajos [REDACTED]>
Sent: March 12, 2024 9:02 AM
To: [REDACTED]@toronto.ca>
Subject: [External Sender] RE: RE: Re: RE: RE: [REDACTED] - TPB Submission - March 18, 2024

Hi [REDACTED] – it has just come to my attention that Staff put forward a report to the TPB dated Feb 27, 2024.

I never received a copy or notice of this report until I found it posted on the public website last night. I need to review the report and seek instructions from clients to respond. This would be a matter of procedural fairness. If I would like to request an adjournment for our matter to be heard at a date later than March 18 (i.e. less than a week from a now), would I request that through you or somewhere else?

Thanks,

Patrick



PATRICK GAJOS
BARRISTER AND SOLICITOR



+1 (647) [REDACTED]

patrickgajos [REDACTED]

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