

May 6, 2024

VIA EMAIL - hertpb@toronto.ca

Toronto Preservation Board
Toronto and East York Community Council
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Members of Council:

**Re: Agenda Item PB18.1 – May 7, 2024
26 Millwood Road - Notice of Intention to Designate a Property under Part IV,
Section 29 of the Ontario Heritage Act
Notice of Objection**

Aird & Berlis LLP are lawyers for Should Be Developments Inc. the owner of the property located at 26 Millwood Road, Toronto (the “**Property**”). The Property is currently occupied by a 2-storey brick building that has, in recent years, fallen into a state of significant disrepair. The building has been vacant for approximately 8 years, and currently is disconnected from gas, water, and electricity services.

On behalf of our client, we are filing this objection in response to the Notice of Intention to Designate the Property under Part IV, Section 29 of the *Ontario Heritage Act*.

As set out in the April 22, 2024 report from Acting Senior Manager, Heritage Planning, Urban Design, City Planning, Staff assert that the Property has cultural heritage value and meets 4 of the Ontario Regulation 9/06 criteria prescribed for municipal designation under Part IV, Section 29 of the *Ontario Heritage Act*. Our client disagrees with this conclusion.

Our client is in the process of retaining the necessary experts to evaluate the proposed designation, but on a preliminary basis, our client submits that the building, which is not situated in its original location, lacks sufficient associative or contextual value to warrant designation.

Our client also submits that the heritage attributes, as drafted, are overly broad. The physical characteristics of the building are not rare or unique, and are not representative of the Victorian Vernacular Style in a manner that would warrant designation.

Furthermore, it is unreasonable to subject our client to the additional obligations that flow from a property being designated under the *Ontario Heritage Act* in light of the current status and state of the building. Despite our client's best efforts, the building has been vacant for 8 years, is not serviced and is, in its current state, unfit for any form of residential occupancy. It would be unreasonable and unfair to impose additional obligations on our client in relation to the building and Property.

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Therefore, our client objects to the Notice of Intent to Designate as currently framed. We would welcome the opportunity to review this matter with Heritage staff in advance of any further consideration by Council.

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



Eileen P. K. Costello
EPKC/MH/gg

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