

Charlotte Mickie  
Spadina Gardens Tenants' Association  
[REDACTED]  
Toronto  
[REDACTED]

September 23, 2024

Dear Members of Toronto East York Community Council.

**Re: 2024 TE16.3 – 41-45 Spadina Road – Zoning By-law Amendment and Rental Housing Demolition Applications – Decision Report**

The Spadina Gardens Tenants Association represents 13 out of 19 tenant occupied units at 41-45 Spadina Road.

The tenants understand that this application has been received with enthusiasm by City Staff because the heritage building will be preserved, and the tenants can stay in place. These are laudable aspirations, for which we are grateful, but they are far from assured. The “tenants staying in place” concept is beginning to feel like a frightening trap.

While we will not oppose the Zoning by-law Amendment, we have very serious reservations about the application as follows:

1. **Constructability:** We continue to ask for precedents; there appear to be none. We have asked for a second opinion from a structural engineer. We understand this question will be deferred to Site Planning and building permits, when the tenants may have little input. We are worried by this.
2. **Heritage:** We are concerned about the Designated building itself, including but not limited to the roof, masonry, windows and foundations. We have become aware that the Applicant may not secure the building until after the construction. If true, this suggests the Applicant is anticipating damage during construction and does not want to make repairs twice, which would be disturbing. In any case, we worry now that preventative measures to avoid damage, as recommended in the Heritage Easement report and as further suggested by the Toronto Preservation Board (TPB) amendment, may not be taken by the Applicant. This would be problematic and disrespectful of the City and the TPB. We believe a condition assessment and stabilization of the building is essential **prior to construction**. We would be heart-broken if the building were to sustain harm. Moreover, danger to the heritage building could represent a danger to the tenants. If the danger is genuinely catastrophic, if the foundation is compromised for example, our understanding is that the tenants will have almost no recourse other than temporary relief from the Red Cross and there would be no right of return. This speaks directly to our next critical point with respect to health and safety.

- 3. Health and Safety during Construction:** During the meeting Councilor Saxe held with the Applicant, City Planning and the tenants, it became clear that neither the City nor the Applicant were prepared to put a plan in place should the tenants be unsafe or simply unable to withstand the stress of construction. The Construction Mitigation Plan will only be presented after the Zoning Application goes through, but in any case, vibration monitors, noise monitors, HEPA filter air purifiers, etc., while very welcome, will only do so much. Orally and in the written Q+A Matrix, the Applicant directed tenants to the RTA/LTB should conditions prove unbearable. Given that unbearable conditions are a foreseeable and likely possibility, and the LTB is so seriously backed-up and unwieldy, this is not an acceptable answer, especially for tenants who cannot bear the cash flow burden entailed by seeking relief at the LTB. Compensation and parameters for safety and livability should be negotiated in advance. If not, whether the situation is catastrophic or unhealthy/unbearable a probable outcome is de facto eviction without compensation. How can this be acceptable to the City?
- 4. Conditions after construction:** The centerpiece of the apartments, the axis of light and cross-ventilation from the living room to the dining room, will be seriously compromised by the plan as it stands. Bedrooms and bathrooms will lose light and may lose ventilation. We are not clear on whether we can rely on the Wind Study provided by the Applicant.

Therefore, we concur with the recommendations of the Annex Residents Association with some additions:

1. A construction management plan is provided acceptable to tenants who are expected to shelter in place.
2. Plan B outlining what steps will be taken to accommodate existing tenants should it be impossible to safely live below and within the construction site. This guarantees to move back into suites post construction and moving allowances and appropriate alternative accommodation.
3. An engineering study to confirm adequate access to natural light and ventilation in all units in the heritage building post construction.
4. Provision of four accessible parking spaces as required by City of Toronto. Accessible options for residents proposed by the developer are subway stations with elevators located approximately 400-500 metres from the building. These should not qualify as acceptable alternatives for disabled residents in the building.
5. Tenants be consulted through the Site Plan Review process as the required supplementary reports are provided and details are discussed.

6. We further insist on implementation of the recommendation by the TPB: ***Including a Vibration Impact Study and Construction Impact Study to ensure that appropriate mitigation measures be put in place to protect the heritage property from damage during and after construction.*** In other words, the building should be assessed, repaired, and secured prior to, not after, construction.

Additional recommendations of the ARA not included here are outside our expertise.

This building needs to be protected, which includes a truly diligent assessment of its current condition. If we were to lose the building or if it were to be seriously compromised this would be a tragedy, not just for the tenants who campaigned for the Designation at the risk of their tenancies, but for the entire City.

Spadina Gardens is beloved. The building has been written about extensively. We are part of ROM tours, groups of architects and architecture students visit, tenants hold fundraisers and community events, and the movie, “Charlotte’s Castle”, has received 59k views on YouTube and many more via conventional TV Ontario broadcasts. On October 28, the movie will be celebrated as a nominee at the Heritage Toronto Awards. We can’t say this strongly enough—the entire building, including the courtyards and the interiors, are now firmly in the public realm. We’ve now likely welcomed over 100,000 people into our apartments.

The tenants need to be protected. If anyone were to be hurt, or worse, this would be a terrible thing—not just for the victims, but for the reputation of everyone involved in this venture: the City; ProWinko, which has prestige real estate investments in Toronto and internationally; a renowned architect; and an engineer who we understand is both innovative and without reproach.

If the Zoning passes, the tenants, the City and the Applicant have a grave responsibility. On our part, we tenants are committed to engaging in consultation whenever possible. We are committed to monitoring, writing, and calling at the first sign of a problem. We will not allow the City to forget its duty to us and to the building. If we are ignored by inspectors, Rent Safe, the building officials, fire safety, as we often were during the earlier ordeal of renovations, we will be dedicated to doing everything in our power to make things right. We expect City Planning at least to be on our side and equally vigilant, given their warm embrace of this project.

In closing, despite all our concerns, we are very grateful to the kind and empathetic counsel offered during this process from Chris Pereira at City Planning: he has been unfailingly available and helpful.

Sincerely,  
Charlotte Mickie  
On behalf of the Spadina Gardens Tenants’ Association

Members:

Dandi Maestre/Rodolfo Moseres

Neil MacDonald

Barbara Dominic

Rebecca Erlich

Charlotte Mickie/Eric Norlen

Sarah Powell/Stephen Smith

Sarah Imrisek

Barbara Speck

Marcia Sherman

Robert Baines

Jill Fraser/David Young

Jennifer Franks/Tracy McGaha

Casey Rock/Jamie Paul Rock

CC: Councillor Dianne Saxe, Ward 11

Oren Tamir, Manager Community Planning, City of Toronto

Chris Pereira, Planner, Community Planning, City of Toronto

Cate Flanagan, Senior Planner, City of Toronto

The Annex Residents Association