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Delivered Via Email

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

Attention: Cathrine Regan (teycc@toronto.ca)

Dear Sirs/Mesdames:

**Re: Item TE18.10 – Designation of the West Queen West Heritage Conservation District Plan under Part V of the Ontario Heritage Act
1149 & 1153 Queen Street West**

We are solicitors for 1153 Queen West Holdings Inc. in respect of the properties known municipally as in the City of Toronto as 1149 & 1153 Queen Street West (the “**Lands**”). We are writing on behalf of our client to express concerns in respect of the proposed West Queen West Heritage Conservation District Plan (the “**HCD Plan**”) as it would apply to the Lands.

As background, the Lands are not identified as a contributing property in the HCD Plan. Further, our client has filed a zoning by-law amendment application to permit the redevelopment of the Lands in a manner consistent with transit-supportive intensification in the area. Despite the HCD Plan being well advanced, City staff did not require a heritage impact assessment in support of a complete rezoning application.

At the outset, the HCD Plan provides no clear approach to transition, especially for active *Planning Act* applications. At a minimum, there needs to be clarity that existing *Planning Act* applications are not subject to the HCD Plan. Such transition would be consistent with long-standing case law regarding the application only of policies in-force at the time of an application. Please note that appropriate transition could address the concerns of our client and avoid an unnecessary appeal.

In any event, and inconsistent with previous rulings from the Ontario Land Tribunal, the HCD Plan is overly restrictive in its approach. While the intent of the HCD Plan suggests a broad and more general approach, the HCD Plan contains overly restrictive development standards, even for non-contributing properties. This is contrary to the direction of the Ontario Land Tribunal when it previously found that the inclusion of prescriptive built form standards are at variance with the fundamental tenants of heritage conservation. Our client is concerned that this prescriptive

approach will prevent appropriate intensification of the Lands in accordance with Provincial and municipal planning policies.

Please also accept this letter as our client's request for notice of any decision regarding this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/