

March 11, 2026

VIA EMAIL - [hertpb@toronto.ca](mailto:hertpb@toronto.ca)

Our File No. 337693

Toronto Preservation Board  
Toronto City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Chair and Board Members:

**Re: Agenda Item #PB41.4  
Toronto Preservation Board – March 12, 2026 Meeting  
Bloor - Yorkville Cultural Heritage Resource Assessment - Final Report  
Lixo Investments Limited - 86, 88 and 90 Yorkville Avenue**

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Aird & Berlis LLP has been retained by Lixo Investments Limited (our “client”) with respect to the above noted matter as it relates to the properties municipally known as 86, 88 and 90 Yorkville Avenue in the City of Toronto (the “Lixo Properties”).

Our client received Notice of the proposed listing of its properties on the City of Toronto’s Heritage Register on January 23, 2026. The Notice advises that the basis for inclusion on the Heritage Register is the work undertaken in the Bloor-Yorkville Cultural Heritage Resource Assessment (“CHRA”) by Common Bond Collective.

We have also reviewed the Final Report, dated February 25, 2026 from the Senior Manager, Heritage Planning, which recommends that the Lixo Properties be included on the Heritage Register and that City Council authorize staff to take such steps as may be necessary to determine whether the “Yorkville Village Core, or parts thereof, merits authorization for study as a potential Heritage Conservation District”.

We understand from the Notice that the Lixo Properties are included in a batch listing of eighty-eight (88) properties and are located within the area recommended for study as a potential Heritage Conservation District. The Notice as issued by the City simply advises that the properties listed in the Notice merit inclusion on the Heritage Register. Upon review of the actual CHRA, it is apparent that the Lixo Properties have been identified as only meeting one of the nine criteria under Ontario Regulation 9/06. This is the case for more than half of the properties included in the Notice.

We further note that our client’s properties are identified in the CHRA as meeting Criteria 7 in 9/06 which provides as follows:

*7. the property has contextual value because it is important in defining, maintaining or supporting the character of an area.*

Importantly, the properties are not among those identified as having potential to meet other criteria and warranting further study. The caselaw which has evolved in respect of Criteria 7 has provided helpful guidance in its application. To determine if a property meets this criteria, an enquiry as to the following should be undertaken<sup>1</sup>:

1. What is the area in question?
2. What is the character of the area today?
3. Does the property define, support or maintain the character of that area?
4. Is it desirable to maintain the character of the area as it is today?

An extract from the CHRA illustrating the Lixo Properties is attached. It is apparent that each of these properties have been substantially renovated and overbuilt since their original construction and that little, if any, of the original exterior features remain legible. Importantly, additions to the front of each of the properties have removed any of the originally street facing features. There is nothing particular about these properties which identify them as part of the “Village Core Area” as contrasted with most main street commercial districts in the City that have also evolved from house form buildings. Importantly, the Heritage Planning Report acknowledges that the “area in question” remains a fluid concept as the study for a potential Heritage Conservation District has yet to be undertaken. The lack of a consistent pattern of properties which meet any criteria within the Village Core Area is such that it is unclear what the “character of the area” is today from a cultural heritage perspective.

The basis for the proposed listing is, in our submission, unclear and, as it relates to the area in question, uncertain. The effect of such a listing is evidently prejudicial to our client. Once the Lixo Properties are included on the Heritage Register, it becomes the obligation of our client to undertake further work – including completion of a Cultural Heritage Evaluation Report (“CHER”) – as part of any application pursuant to the *Planning Act*. This effectively places the burden and cost of additional study on property owners, such as our client. This is particularly unreasonable, in our submission, when the current condition of the properties cannot be clearly identified as meeting the single criteria identified in the CHRA.

As a result, our client objects to the inclusion of its properties – located at 86, 88 and 90 Yorkville Avenue – on the Heritage Register.

Yours truly,  
AIRD & BERLIS LLP



Eileen P. K. Costello  
EPKC:gg  
Att.  
67845378.1

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<sup>1</sup> *Schemool v. Richmond Hill (City)*, 2025 CanLII 12096

## 86 YORKVILLE AVE



1	No
2	No
3	No
4	No
5	No
6	No
7	Yes
8	No
9	No

Date of Construction: c1913

Architect:

## 88 YORKVILLE AVE



1	No
2	No
3	No
4	No
5	No
6	No
7	Yes
8	No
9	No

Date of Construction: c1913

Architect:

## 90 YORKVILLE AVE



1 No

2 No

3 No

4 No

5 No

6 No

7 Yes

8 No

9 No

Date of Construction: c1913

Architect: