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**Delivered via same day courier and
via E-mail**
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Office of the City Clerk
City of Vaughan Council
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Todd Coles, City Clerk

Dear Sir:

**Re: Objection to Proposed Designation in Notice of Intent to Designate 271 Valley
Vista Drive Pursuant to Part IV, Section 29 of the *Ontario Heritage Act***

We are the solicitors for Senang Investments Limited, the owner of the property municipally known as 271 Valley Vista Drive (the "**Property**") which is the subject of a Notice of Intent to Designate under the *Ontario Heritage Act* ("**Notice**"). The Notice states that the last date to deliver a Notice of Objection is May, 15, 2024 pursuant to section 29(5) of the Act. This letter constitutes our client's Notice of Objection to the proposed designation of the Property in the manner set out in the City of Vaughan's proposed Statement Of Cultural Heritage Value and staff report.

ERA Architects Inc. Retained

On April 12, 2024, we also filed our client's objection to the proposed designation of 1078 Major Mackenzie Drive West (the "**Major Mackenzie Property**"), which it also owns. We advised that a heritage consultant had not yet been able to assess the Major Mackenzie Property to provide meaningful comments. As a result, our comments might be superseded by those of a heritage consultant.

ERA Architects Inc. have now been retained to assess and advise on heritage matters for both the Major Mackenzie Drive matter and this Property.

As was the case with the Major Mackenzie Property matter, ERA Architects have not been able to assess the Property fully and provide meaningful comments to this letter or its opinion on all of its elements. Therefore, like our Notice of Objection to the designation of the Major Mackenzie Property, the comments we provide are neither comprehensive nor definitive. ERA may very well propose different approaches once they are able to get up to speed on the Property.

**ATTACHMENT 2
271 VALLEY VISTA**

Defer Designation to Allow ERA to Liaise with City

Given our client's desire to work with the City in both of these proposed designations through ERA, we ask that the designation be deferred to allow for meaningful discussions. Your staff have already reached out with respect to the Major Mackenzie Property, ERA has been in touch with City Heritage staff and we expect that meaningful progress on particularizing the best approach to both properties' heritage attributes will be made.

While we suggest approaches to the designation of the Property in this letter, practically we believe that allowing ERA to complete its work, for us to discuss with your Heritage staff the best approaches to these two properties is best, for which a deferral of consideration of the designation is best. If you wish to discuss how to do that best without prejudicing the City's ability to designate later, (but presumably by the end of 2024 since these properties are listed under the *Ontario Heritage Act*), please let us know. We would like to allow sufficient time for further discussion and an amicable resolution.

Objections to Proposed Designation

Our client's greatest objection is to the designation or identification of any of the outbuildings as having any meaningful heritage value. It is their view that neither the garage, the bar nor the ruins (called a stone foundation in the draft Statement of Cultural Heritage Value) meet any of the criteria set out in the regulation for designation. There is nothing whatsoever significant about the garage nor the barn. Both are late 20th century structures, built in a common-place fashion and of unexceptional materials. There is no associative value to a farm containing a barn or garage. The ruins are unidentifiable in terms of their previous use or purpose and the conjecture it was constructed as stables is purely conjecture. Even if it was, there is nothing in any way unique, historic or associative with any community, person, event or other regulatory ground for designation or contextual in the surrounding context with a farm outbuilding or even a stable structure. The fact that the barn is built to the scale of the other buildings (which is not admitted) is insufficient to elevate it to being of design or physical value given the prevalence of most buildings being built to scale. Nor would even a longer extending point of a roof of a barn merit conservation for design or physical value.

Secondly, there is no indication that there is any archaeological resource on the property with respect to early settlers or indigenous peoples. Any such potential, if demonstrated, does not in any event require designation to address. The issue of archaeological potential can be more than adequately addressed through appropriate conditions to draft plan approval if this property proceeds to subdivision.

ERA Architects Inc. is in the process of reviewing and assessing the 1-storey frame house and will be able to provide further comments on it in the near future. We would suggest that the final identification of the elements of that house in the Statement of Cultural Heritage Value await discussions between City Heritage staff and ERA. The house itself has a greater potential for being identified with heritage value, in at least a historical or associative manner, but the details of that do need to be appropriately investigated and discussed before designation permanently identifies those details. We note that the construction and layout are typical and common-place, that many elements have been altered and lost from its original 1920's form and that the construction is of no particular artistic or other value and that the late



20th Century recladding of the building has replaced or obscured even the original construction details. Without that detail, our client must now simply ask for it not to be designated.

Summary - Requests

As a result, our client respectfully requests that:

1. Council delay its decision and designation of the Property to allow ERA Architects to carry out its assessment, liaise with City Heritage staff, and provide additional comments and opinions on a proposed designation. Their work will allow them to address any matters or questions anyone might have and it may be that agreement about the precise scope of the designation is possible, avoiding the need for an appeal to the Ontario Land Tribunal. We are prepared to work with the City to ensure that the City is not prejudiced by a delay, fully understanding the City's desire to designate listed properties by the end of the year.
2. In this case, if Council begins to run up against the 120-day period that subsection 34(8)1 requires the passage of a designation by-law within (more likely with the Major Mackenzie Property), we suggest Council can withdraw the notice of intention to designate both of these properties. There is ample time for Council to complete the designation process within 2024 and our client would be prepared to discuss ways that allow the City to do so with little worry.
3. If the City is not prepared to allow our respective Heritage experts to discuss these two properties, our client asks that the Property not be designated at all given that the property does not meet the criteria set under OHA Regulation 9/06 for physical, associative and contextual heritage value. In particular the outbuildings should not be identified as of any heritage value.

We would be pleased to discuss this matter further and answer any questions the City might have.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

