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December 16, 2024

VIA EMAIL

Mayor Steven Del Duca
and Members of City Council
City of Vaughan - Vaughan City Hall
2141 Major Mackenzie Dr. W
Vaughan, ON L6A 1T1

Attention: Todd Coles, City Clerk

Your Worship and Members of Council:

**RE: 12000 Pine Valley Drive
Council Meeting – December 17, 2024 – Item 7.1.5
Committee of the Whole Report No. 41, Item 5, Proposed By-law 249-2024
Response to the Notice of Objection of Intent to Designate Property located at
12000 Pine Valley Drive Under Part IV of the *Ontario Heritage Act*
Correspondence from Lorwood Holdings Incorporated**

We are the solicitors for Lorwood Holdings Incorporated (the “**Owner**”), being the Owner of the property municipally known as 12000 Pine Valley Drive (the “**Site**”).

On September 18, 2024, the City of Vaughan issued a Notice of Intention to Designate the Site under Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the “**Notice of Intention**”). We filed a Notice of Objection to the Notice of Intention (the “**Notice of Objection**”) on October 18, 2024, pursuant to Section 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “**OHA**”) on behalf of our client.

Following the filing of the Notice of Objection, this matter was supposed to be considered at the December 3, 2024 Committee of the Whole (“**COW**”) meeting, however, this matter was deferred to this Council Meeting on December 17, 2024. A report to the COW, dated December 3, 2024 (the “**COW Report**”) recommends that Council consider the Notice of Objection and affirm its decision stating its intention to designate the Site under Part IV of the OHA and that the by-law to designate the Site (the “**Proposed Designation By-law**”) be approved and enacted by City Council.

Since the COW Meeting on December 3, 2024, our client has had an opportunity to meet with Staff and discuss the Notice of Objection, and the opportunity to review the Proposed Designation By-law.

C66

Communication

Council – December 17, 2024

CW(1) – Report No. 41 Item No. 5

The Owner continues to have concerns with the utility of the proposed designation, given the imminent context of the Highway 413 GTA West Corridor infrastructure project. The proposed Highway 413 route directly bisects the building with the purported heritage attributes. Further, the Owner continues to have concerns with the heritage attributes described in the statement of significance and questions whether the Site and building rises to the prescribed criteria under the OHA, as outlined in the Owner’s Notice of Objection. The Owner requests that City Council withdraws its notice of intention to designate the Site.

Impact of Highway 413 on the Designation

The original Notice of Intention and Heritage Report which were considered by City Council on June 25, 2024 neglected to mention the Site’s position as being within an area of study by the Ministry of Transportation for the GTA West Transportation Corridor for the proposed Highway 413 highway and transit corridor. This was raised in our Notice of Objection, and the COW Report responded:

“It is not within the scope of heritage staff’s review to evaluate the value of the above heritage resource vs the value of Highway 413, as it is not one of the requirements under the OHA.”

As noted in a deputation on behalf of the Owner to the COW December 3, 2024 meeting, it may not be within heritage staff’s purview to consider this infrastructure project, however, City Council must consider the broader context and the Site’s geographical position in the direct path of the proposed highway.

The Province is undertaking a consultation on Highway 413, which includes a Draft Focused Analysis Area (“**FAA**”), which was released in December 2024. The consultation notes the Highway 413 project is in the planning and preliminary design phase (see: <https://www.highway413.ca/consultation/>) and is currently accepting feedback, with the final version expected in 2025. On behalf of the Owner, we intend to make submissions on the Draft FAA, and have reproduced it below and included it as an appendix:

Draft Focused Analysis Area (FAA) Refinements Released for Consultation in December 2024

Currently in the planning and preliminary design phase, Highway 413 is a proposed 400-series highway, including a transitway and other features to support goods movement within the Greater Golden Horseshoe. This **Draft Focused Analysis Area (FAA)** prioritizes refinements based on stakeholder input, environmental data, and design advancements as details on potential impacts become more evident. These modifications reflect the latest designs and environmental studies, with areas of higher design certainty or minimal environmental impact excluded. Changes from the 2020 FAA are outlined in white. Feedback is welcomed at the contact points below, and input will be reviewed and addressed as necessary. This draft is being reviewed, and a finalized version is expected in early 2025. Until then, the 2020 FAA remains in effect and can be viewed on our consultation page at [Highway 413 - Consultation](https://www.highway413.ca/consultation/). Note: concurrently, the Ministry of Energy and Electrification is consulting on refinements to the Narrowed Area of Interest (NAI), to support the planning of the Northwest Greater Toronto Area Transmission Corridor. The FAA and NAI overlap each other, except where each is protecting additional lands specific to its planned particular use.

Highway 413
Planning with Vision | Planning for People

HWY 401/407/413 Interchange to Winston Churchill Blvd: Adjusted to account for design features and environmental considerations to minimize impact, with reductions in lands north of Steeles Ave.

Bramalea Rd: Expanded for a potential maintenance yard.

East of HWY 427 to 400: Reductions between Highway 427 and Highway 400, while areas between Highway 27 and Kipling Ave were retained for environmental considerations. The existing Highway 400 segments were also expanded.

HWY 410 Extension to Mayfield Rd: Reduced area near Heart Lake Rd and Dixie Rd, with adjustments along Highway 410 to create smooth connections with the existing road network.

Airport Rd to Coleraine Dr: Area was reduced on the south side of the corridor, as areas with confirmed design certainty were released.

Coleraine Dr to East of HWY 427: Areas along the south side of the highway were reduced while others were retained for environmental reasons.

Orange Area
The **Narrowed Area of Interest (NAI)** begins at Highway 401 in the west and follows the Focused Analysis Area (FAA) eastward to Kipling Avenue. The NAI includes two additional parcels to enable interconnection with the existing transmission system. The NAI does not include the segment of the FAA that continues eastward to Highway 400, nor does it include the extensions of Highways 407 and 427.

Purple Area
The **Draft Focused Analysis Area (FAA)** (purple) outlines the zone around Highway 413, identifying properties that remain of interest as the project advances. The highway, including any ancillary uses or adjustments made to the route during the preliminary design phase, may directly impact these properties.

Areas Outlined in White
MTO has a reduced interest in properties located in areas outlined in white on the map. Applications can proceed through municipal development processes, and MTO will continue to review development applications in the study area, but it is anticipated that applications in the white outlined areas will not be directly impacted by Highway 413.

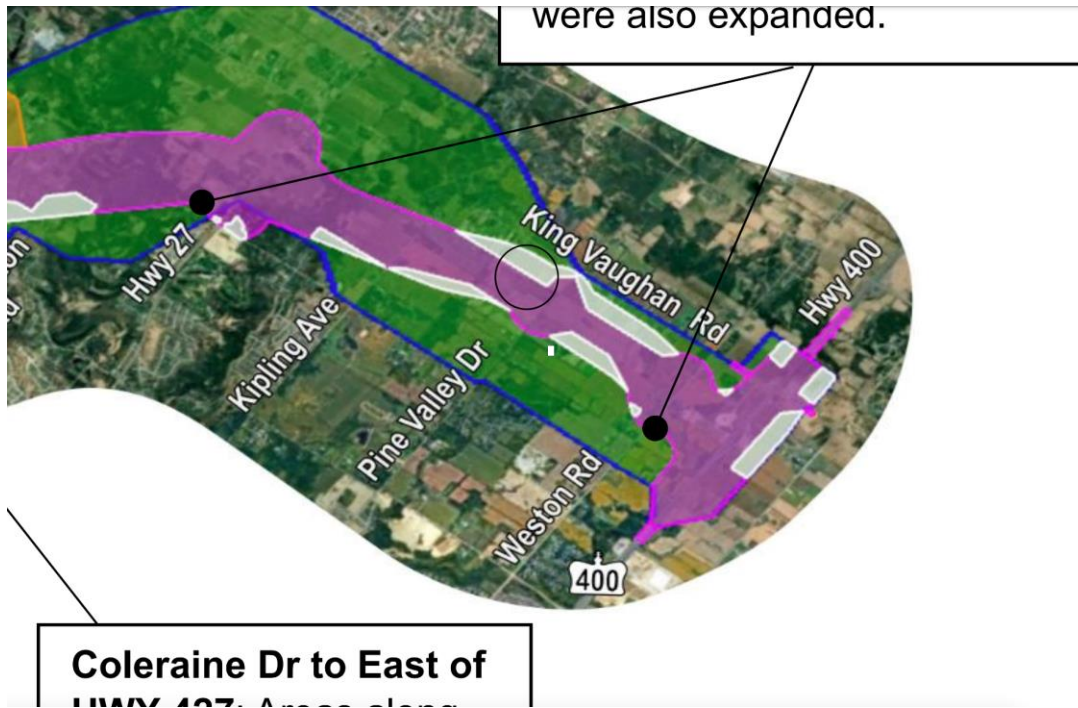
Route Planning Study Area
The geographical zone within the (blue) lined boundary is where various alternatives for the Highway 413 transportation corridor were considered.

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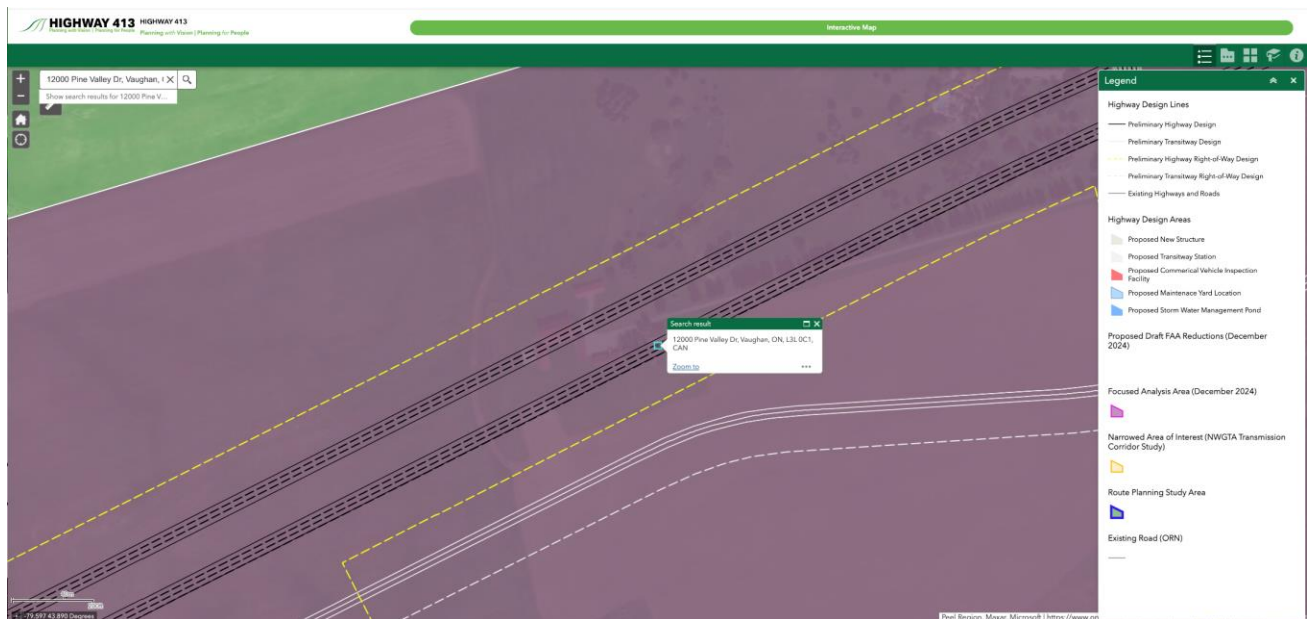
More Information
For further details of the Draft Focused Analysis Area (FAA), visit the interactive map on the website using at www.highway413.ca or to provide comments contact the project team via email at project_team@highway413.ca or phone at 1-877-522-6916.
Pour plus d'informations sur le projet de zone d'analyse focalisée (FAA) 2024, visitez le site web à l'aide de la carte interactive à l'adresse www.highway413.ca ou, pour faire part de vos commentaires, contactez l'équipe du projet par courriel électronique à l'adresse project_team@highway413.ca ou par téléphone 289-835-2484 (Yannick Garnier).

WEBSITE www.Highway413.ca
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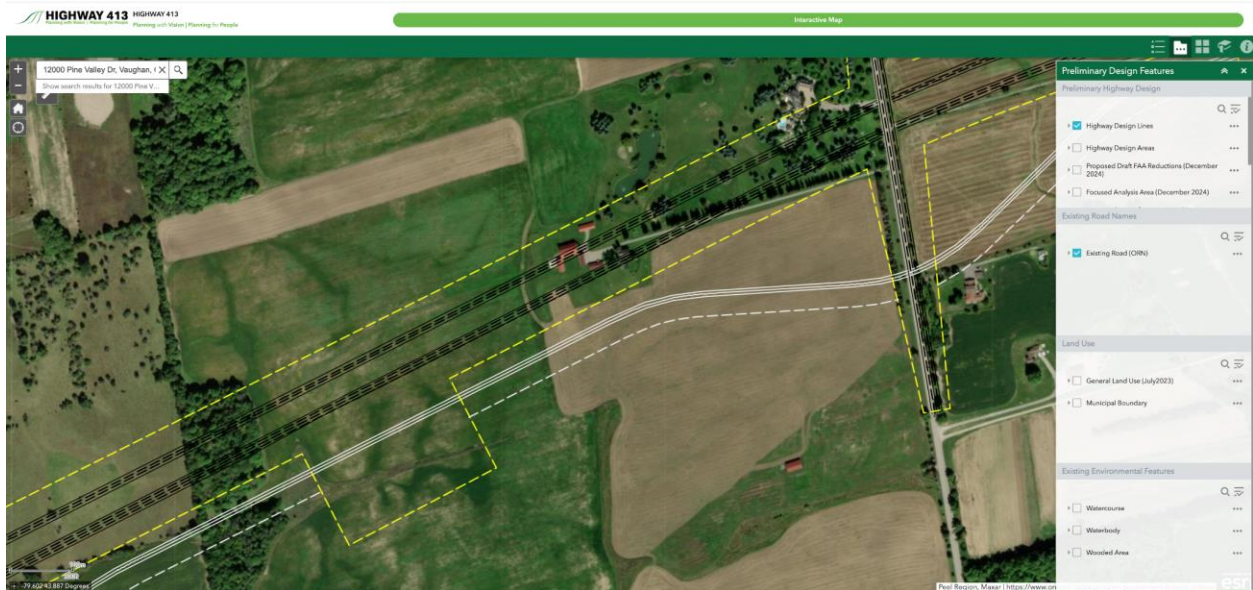
We have produced screenshot that highlights the general area of the Site.



To confirm, the Site is located within the “Purple Area” of the Draft FAA which identifies properties that remain of interest. We have produced a screenshot of the Site from the interactive Highway 413 map, which includes the December 2024 Draft FAA. The Draft FAA notes that *“The highway, including any ancillary uses or adjustments made to the route during the preliminary design phase, may directly impact these properties.”*



Further, we note that there are proposed Preliminary Transitway Right-of-way Design lines that directly traverse the Site and the building with the purported heritage attributes, as shown in the screenshot below:



Collectively, the recent Draft FAA provides focused direction from the Province that Highway 413 will directly impact the Site. City Council needs to evaluate the implications of designating a property as having cultural heritage value within its path. Designating the Site may be a futile exercise and could unduly and inappropriately impact a landowner’s ability to seek fair compensation in the eventual expropriation of the Site.

Issues with Statement of Significance and Purported Heritage Attributes

We have had an opportunity to review the proposed Designation By-law, which includes the Statement of Significance and various maps and schedules. We thank Staff for addressing our concerns with the original Notice of Intention to designate the entire Site. From our review, Schedule “C” of the Designation By-law appears to encircle the building on the Site only. However, we would like to ensure that the Designation By-law, as drafted, and **if approved** by City Council, would apply a designation **only** to the building as outlined on Schedule “C”. The draft Designation By-law also references the entire property through Schedule A.

In general, the Statement of Significance as part of the Proposed Designation By-law lacks the detailed study required for Council to consider the Site and Building’s context and value as a potential heritage resource.

The building has had significant alterations, including a second storey addition sometime in 1924-1926, which undermines its integrity as a rare, unique or representative early example of a Stone Georgian farmhouse. It is also unclear how any of the building’s architectural characteristics rise to a level that is worthy of conservation.

With respect to historical or associative value, the Statement of Significance fails to consider the site's current ownership of over 35 years, and is largely a chronological summary, characterizing previous owners as "early settlers" of some importance to the community; however the Statement of Significance neglects to mention the current ownership of over 35 years, the continuous farm uses, and the contributions of the current Owner's significant role in shaping the City of Vaughan's landscape and contributing to its growth and fabric, instead, referring very dismissively to the current Owner as a "speculator".

In terms of contextual value, the building's setback is not unique, as many farmhouses are setback from a road. This is not a context worthy of conservation, especially because it is not a resource easily experienced by the public.

For these reasons, our client requests that City Council considers its Notice of Objection to the proposed designation, and makes a decision to withdraw the Notice of Intention to designate the Site. Please send notice of any decision in respect of this matter, (including the associated Proposed Designation By-law), and all required notices under the *Ontario Heritage Act* to both the Owner of the Site and to the undersigned. Should you require any further information, please advise the undersigned forthwith, or in her absence Chris Tanzola (ctanzola@overlandllp.ca or 416-730-0645)

Yours truly,

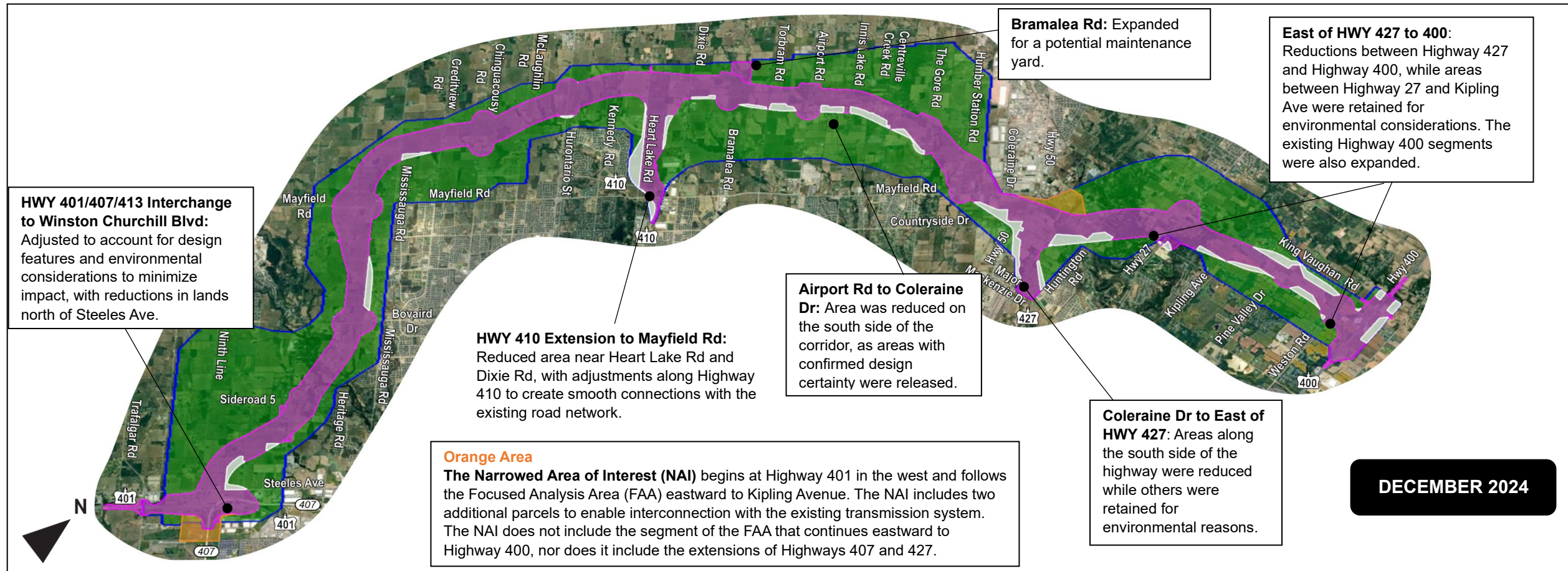
Overland LLP



Per: Natalie Ast
Associate

Encl.

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More Information

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