

January 12, 2023

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VIA EMAIL AND COURIER

File 21561.00001

The Corporation of the City of Burlington
426 Brant Street
PO Box 5013
Burlington ON L7R 3Z6

Attention: Kevin Arjoon, City Clerk

Dear Mr. Arjoon:

**Re: Notice of Objection
Notice of Intention to Designate
795 Brant Street, Burlington**

We are solicitors for Camarro Development Inc. ("**Camarro**" or the "**Owner**"), the owner of 795 Brant Street (the "**Property**"), in the City of Burlington. The Property is situated on the southeast corner of the intersection of Prospect Street and Brant Street.

We received a Notice of Intention to Designate 795 Brant Street from the City of Burlington (the "**City**"). It is our position that the Notice of Intention to Designate was passed for the sole purpose of thwarting a development application that was filed for the Properties under the authority of the *Planning Act* and is, therefore, an inappropriate use of the *Ontario Heritage Act* for this purpose.

This letter is intended to serve as our client's objection (the "**Objection**") to the Town's Notices of Intention to Designate the Properties under section 29(5) of the *Ontario Heritage Act*.

Background

According to the City's Cultural Heritage Evaluation Report, the Property has an original two-storey brick house known as "Maple Lodge" which was constructed between 1854 and 1855 by the then owner Jabez Bent and his brother Jamies Cushie Bent. The original building was the subject of a number of additions, including a one-storey commercial addition constructed between

1972 and 1998. The house was converted for commercial use in 1974, at which point the house was painted, and metal shutters were added to the ground floor.

On October 21, 2021, Camarro held a pre-application community meeting regarding its proposal to redevelop the 789-795 Brant Street with a 31-storey mixed-use building. As part of the proposal the building at the Property would have been demolished.

Upon becoming aware of the pending development application, the City added the Property to the Heritage Register and issued the Notice of Intention to Designate. It is submitted that the Notice of Intention to Designate was only issued as a direct result of Camarro's development proposal. It is not part of an identified Cultural Heritage Landscape or designated Cultural Heritage District.

Reasons in support of the Objection can be summarized as follows:

1. The Statement of Cultural heritage Value and Heritage Attributes attached to the Notice of Intention to Designate is inadequate, unsubstantiated, unclear and insufficient to meet Ontario Regulation 9/06.
2. The "Cultural Heritage Evaluation Report" dated November 2022 (Appendix "A" to the Staff Report) fails to identify any genuine heritage attributes that would make the Property worthy of designation.
3. The Cultural Heritage Evaluation Report fails to provide a clear analysis of the impact of the intrusive building alterations and modifications, and the unknown state of the bricks that have been entirely painted over.
4. The Cultural Heritage Evaluation Report recognizes that "the Subject Property" is not considered a rare or unique Georgian house in the City of Burlington".
5. The Property was previously listed on the Heritage Register but was removed in 2015 when the City approved the demolition of the building on the Property to facilitate redevelopment of the Property. This decision was made based on an opinion letter and report from a heritage professional, and there are no further changes to the property that would support a different conclusion at this time.

6. The building has been the subject of intrusive building alterations to such a degree that they have harmed the heritage integrity of the structure.
7. The building itself is of standard construction methods of the time and does not demonstrate a high degree of technical or scientific achievement.
8. The building does not have a significant visual or physical connection to the surrounding area and does not have a contextual value.

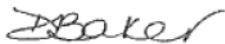
For all of the above reasons, the Owner objects to the proposed designation of the Property under Part IV of the Act, and we therefore request that the City withdraw the Notice of Intention to Designate as soon as possible.

Kindly ensure that we receive prior notice of any public meeting(s) at which this objection will be considered, as well as notice of any decision(s) made in response to this objection.

In the interim, should you require any additional information or wish to discuss this matter further, please contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/SR/lb

c. Client

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