



EMSHIH DEVELOPMENTS INC.

895 Brant Street, Suite #7
Burlington, ON
L7R 2J6

Tel: (905) 639-9006
Fax: (905) 632-3337

January 24, 2023,

Via E-mail

City of Burlington
426 Brant Street
Burlington, ON L7R 2G2

Attention: Clerks Department

Dear City Clerk,

Subject: Formal Objection to 372-374 Brant St. & 380 Brant St inclusion on Heritage Register

On behalf of Emsih Developments Inc. (Emsih), please accept this letter as a formal objection to the inclusion of the two above-noted properties on the City of Burlington's Heritage Register. As long-time property owners in Burlington, the heritage value of both these downtown properties has been reviewed and studied numerous times over the past 20+ years.

Staff's recommendation, supported by the Community Planning, Regulation and Mobility Committee, and Council to direct the Director of Community Planning to add the 24 listed properties to the Municipal Heritage Register and provide notice to the property owner has left us with much concern. On September 27, 2022, Emsih received formal notice that both 372-374 Brant Street and 380 Brant Street had been added back on to the Heritage Register despite our concerns raised to Council.

For various reasons, outlined below, we are disappointed with the process and lack of transparent information leading up to the recommended approval. We object to the Heritage Register inclusions for the following reasons:

1. Prior Inclusion on the Municipal Heritage Register:

In 2004, Emsih applied for a demolition permit for 380 Brant Street. At the time, it was included on the Heritage Register. Following review by the LACAC (now the Burlington Heritage Advisory Committee), LACAC determined that there were no concerns with issuing a demolition permit for the property as, over the years, many renovations and alterations to the building had left little of the heritage characteristics intact. (See letter from the Building Department, attached as Appendix A). The demolition permit was issued, but the property was never demolished and is currently occupied by a restaurant operator.

2. Removal from Municipal Heritage Register

Both 372-374 Brant Street and 380 Brant Street continued to be included on the Heritage Register. In 2009, Emshih requested for both properties to be removed from the Register. Both properties were subject to further review by the Burlington Heritage Advisory Committee and Heritage Workshop. The removal for both was granted on July 15, 2010, by Council decision. (See letter from Council approving the removal of 372-374 Brant Street, attached as Appendix B).

3. Lack of Notice and Consultation with Property Owners:

Unfortunately, Emshih was not notified of the proposed inclusion of its properties until the day of the CPRM Committee meeting, held on September 13, 2022. The proposed inclusion to the Heritage Register came as a shock, considering both properties were removed over 10 years ago. It is also rather confusing and disappointing as to why property owners would not be notified and consulted in advance of a matter that has implications to their property and property rights.

4. Additional & Unnecessary Workload for Staff:

It is unclear who initiated the study of heritage properties in the downtown and why it was initiated at a time when the Planning Department is under-staffed and inundated with workloads related to development applications, OLT hearings and ongoing matters related to the new Official Plan appeals.

Even though downtown Burlington's heritage properties have been extensively studied numerous times over the past 20+ years, this latest proposal for inclusion appears to add yet another hurdle in bringing appropriate development to the downtown and bringing much needed housing, and affordable housing to the City.

In addition, it was noted in PL-59-22 that planning staff anticipate many property owners (including ourselves) to object to notices received, adding yet more unnecessary workload to staff. Precious staff time should be used more efficiently and re-directed towards rebuilding the city as a recovery from the Covid-19 pandemic.

5. Formal Objection Process:

The formal objection process and request to remove the properties from the register will likely be costly and onerous to the property owner(s) with the need to hire specialized consultants and or lawyers to support the objection. There are also no legislated or mandated timelines/deadlines in which staff and Council are required to respond to the objection with a decision.

As noted in Item #2, Emshih requested removal of both properties from the Heritage Register in 2009. The request was ultimately successful, but not until a decision was made in June 2010, over a year after the initial request was made. The removal request involved numerous meetings with staff, Burlington Heritage Committee members and Council. Therefore, a long and drawn-out process is likely to occur again.

For these reasons summarized above, Emshih formally objects to the inclusion of 372-374 Brant Street and 380 Brant Street on the City of Burlington's Heritage Register and formally requests their timely removal.

Sincerely,
Emshih Developments Inc.

Per: 

Kristina Didiano, Planner

Cc: John O'Reilly, Heritage Planning

THATCHER AND WANDS

Barristers, Solicitors, Notaries

David R. Wands, B.Com. LL.B. (Retired 2013)
William L. Thatcher, B.A. LL.B.
-Associates in Law -

1457 Ontario St.
Burlington, Ontario
L7S 1G6
Telephone (905) 681 0444
Fax (905) 681 2937

July 29, 2022
File No.

E-Mail: office@thatcherandwands.com

DELIVERED BY EMAIL
clerks@Burlington.ca

City of Burlington
Attn: City Clerk
426 Brant St.
Box 5013
Burlington, Ontario
L7R 3Z6

Dear Sirs:

Re: David H. Coons
574 Brant St., Burlington
Heritage Decision

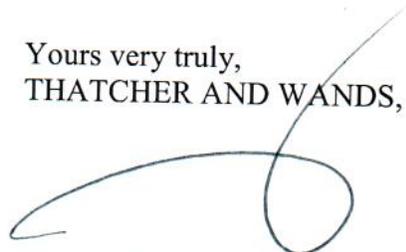
We are the solicitors for David and Sharon Coons who own the above noted property. They have received a notice of decision to add their property to the Municipal Register of Cultural Heritage Resources.

Please be advised that our client objects to the listing for the following reasons:

1. This property doesn't have any distinct architectural features that have heritage value.
2. Any designation as a heritage property will impact my client's financially and in particular, it will be extremely difficult and expensive to insure
3. There are many properties in the downtown core that have similar features that are not particularly unusual or architecturally significant. Having a projecting square bay on the front of the front of the house and a centred arch window are not so significant that they should be preserved on a heritage basis.

This is to advise that if the property is included in the heritage register, we will take whatever we may deem necessary.

Yours very truly,
THATCHER AND WANDS,



William L. Thatcher

WLT:gd

c.c. heritage@burlington.ca
c.c. David and Sharon Coons

O'Reilly, John

From: Grimshire, Francine
Sent: Wednesday, October 12, 2022 5:54 PM
To: EADE, MARK
Cc: Kearns, Lisa; O'Reilly, John; Evershed, Todd
Subject: Heritage Registry

Hello Mark,

On behalf of Ward 2 Councillor Lisa Kearns, thank you for reaching out to our office providing your comment with respect to the city's Heritage Registry.

At this time, we've included the City's Heritage Planner for his review and comment. Once received, if you're interested, happy to schedule a telephone conversation for yourself and Councillor Kearns to further discuss.

Have a great evening,

Francine Grimshire
Assistant to Ward 2 Councillor Lisa Kearns
P. 905 335 7600, ext 7368 | Francine.Grimshire@Burlington.ca
426 Brant Street, P.O. Box 5013
Burlington, Ontario L7R 3Z6
City of Burlington | burlington.ca/ward2



From: Mark Eade [REDACTED]
Sent: Friday, September 16, 2022 4:18 PM
To: Kearns, Lisa <Lisa.Kearns@burlington.ca>
Cc: Brian Dean [REDACTED]
Subject: Heritage Registry

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Lisa, I am really shocked at the speed at which properties are looking to being added to the Heritage registry. Giving people less then a week to respond. It took city staff a week to put a coyote report together when lives are literally at stake but dealing with hundred plus year old properties where no

demolition permits have been requested is ridiculous. The City of Burlington can not mee time deadlines on most building permit applications and development files but a heritage registry seems to get done.

Mark

Mark Eade

[REDACTED]

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O'Reilly, John

From: Grimshire, Francine
Sent: Wednesday, October 5, 2022 11:04 AM
To: O'Reilly, John
Cc: Kearns, Lisa; Mailbox, Office of the Mayor
Subject: FW: 426 Burlington Ave Burlington ON

John,

On behalf of Councillor Lisa Kearns, forwarding this conversation on for your attention.

Kindly,

Francine Grimshire

Assistant to Ward 2 Councillor Lisa Kearns
Phone: 905-335-7600, Ext. 7368
Email: Francine.Grimshire@Burlington.ca

Our working hours may be different. You are not obligated to reply outside of your typical working hours.



From: [REDACTED]
Sent: Thursday, September 15, 2022 1:47 PM
To: Kearns, Lisa <Lisa.Kearns@burlington.ca>
Subject: Re: 426 Burlington Ave Burlington ON L7S1R4....Heritage?????

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Thank you
An elected body consulting with the people who elected them ..That would be a reasonable way forward imo
But we seem to have lost our reason
Not much of a legacy
Very sad
Wish you good luck
[REDACTED]

Sent from my iPhone

On Sep 15, 2022, at 9:52 AM, Kearns, Lisa <Lisa.Kearns@burlington.ca> wrote:

Received and acknowledged. I will be putting an amendment forward to refer the report and decision back to Staff in order to bring about a more transparent and collaborative approach to heritage.

Lisa

From: [REDACTED]
Sent: Wednesday, September 14, 2022 7:51 PM
To: Kearns, Lisa <Lisa.Kearns@burlington.ca>
[REDACTED]
Subject: 426 Burlington Ave Burlington ON L7S1R4....Heritage????
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councillor Kearns

Further to your visit to my home on Tuesday 13th September 2022 re: City of Burlington Heritage "List"

Firstly I would like to make it very clear that this is my *home*, my family home.

My children grew up here, my grandchildren come here for vacations, my extended family come here for all the usual holiday celebrationsand have done for years.

This is not a municipal or provincial *asset*.

It is my HOME bought & paid for by me

Lovingly maintained an upgraded over many years to the tune of hundred's of thousands of dollars...VOLUNTARILY!

Anyone who wishes their home to be added to "the list" should do so...voluntarily.

1. *I strongly object to my home being added to the list as a "heritage home"*

1. *On what evidence, on who's evidence?*

1. *Who has shown categorical that my home is of any heritage value whatsoever other than by dint of it's age; it is an unremarkable bungalow like thousands of others throughout the province that just happens to "look nice" because that is how I choose to keep it?*

1. *When was I consulted?*

1. ***I was not!***

The last time City of Burlington tried to enforce “heritage” on home owners it ended very badly. It caused a lot of stress and mistrust within the downtown community & resulted in the Ward 2 councillor being voted out directly as a result of her failure to stand up for individual home owners.

Addressing this particular block of Burlington Avenue..between Elgin & Lakeshore Road... all but one of the properties on the east side of the street are owned by one company ..plus two houses on Lakeshore Road. Obviously they have bought these homes in the hope of assembling a large enough parcel of land for future development. 4 of their properties are already listed as “heritage’ ..does council really expect them to say nothing?

Furthermore, I feel as if we are receiving the backlash due to the debacle of the destruction of 418 Burlington Avenue.

Let me be clear...I’ve maintained my older house in a style that I personally like, at great financial cost with no assistance whatsoever from *any* level of government. There are many other homeowners who have done the same ,voluntarily.

City of Burlington is doing nothing more than box ticking for the Ford government’s ludicrous current policy. There are nearly 1/2 million immigrants coming to Canada every year, for years to come, many coming to cities in GTA like Burlington
Where are they all going to live? Attempting to make certain properties some how “off limits” make no sense.

City of Burlington and Government of Ontario really need to wake up and look around..not just locally, provincially or even nationally..but internationally.
People are sick and tired of egregious government interference & over reach in their daily lives. They’ve had enough! And when they start literally coming into peoples private homes & telling their home will be on a list?....NO!

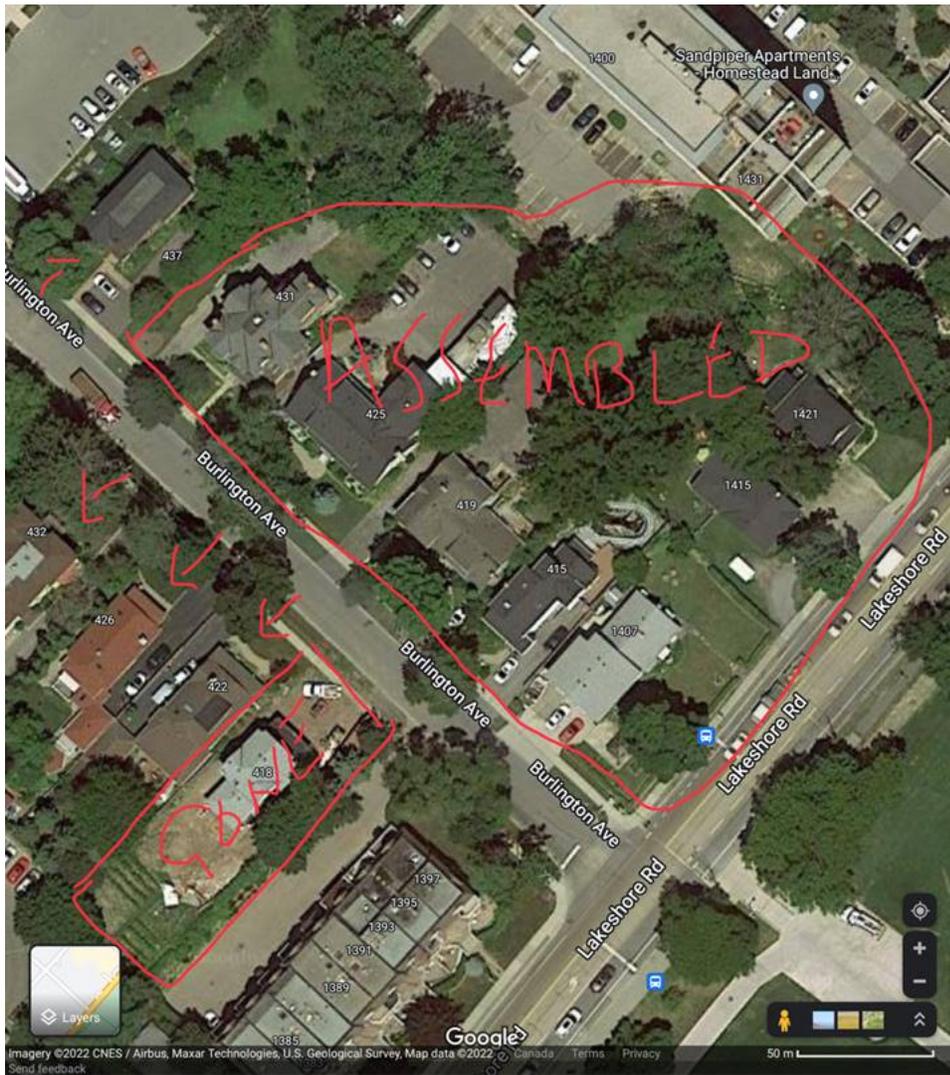
City of Burlington can go ahead, tick Doug Ford’s boxes and lose what little good will there is left after what we have all endured over the past 2 1/2 years.

It is my sincere hope that you will vote against this in the strongest possible terms.

A simple acknowledgement that you have received and read my email would be very much appreciated

Heather Fenton
[REDACTED] Burlington Avenue
Burlington ON [REDACTED]

attach:...for some perspective



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NOTICE OF OBJECTION

Correspondence from Elizabeth Law

Addressing our objections to Heritage Status for 437 & 441 Elizabeth Street

437 Elizabeth St. –

- a new addition was added which is not original to building
- original brick has been painted

Both buildings are not of any significant architectural detail that is of any cultural importance. The buildings are presently not taking advantage of property lot size for potentially more dense coverage. When both buildings were purchased the terms and conditions did not include heritage restrictions – this is being “beside” introduced “after”. Existing (adjacent properties) are both high rise construction. The properties should be allowed to be developed for more people to enjoy the downtown (high rise) experience. These properties 437 & 441 will be devalued if given the heritage designation.



Aaron I. Platt
aaronp@davieshowe.com
Direct: 416.263.4500
Main: 416.977.7088
Fax: 416.977.8931
File No. 703951

December 5, 2022

By E-Mail Only to *kevin.arjoon@burlington.ca*

Mr. Kevin Arjoon, City Clerk
The Corporation of the City of Burlington
426 Brant Street, P.O. Box 5013
Burlington, ON L7R 3Z6

Dear Mr. Arjoon:

**Re: City of Burlington
Proposal to List 468 Elizabeth Street, Burlington on the Heritage Register
Objection to Listing due to Lack of Particulars
Request for Deferral**

We are counsel to Crystal Homes, the owner of 468 Elizabeth Street (the “**Subject Property**”).

We are writing in response to the City’s proposal to list the Subject Property on the Heritage Register.

Having received a five-sentence written justification for the proposed listing of the Subject Property in the Heritage Register, our client requests more time to complete their own, more detailed, study.

Independent study is necessary as the particulars included in the justification fail to provide insight into the nature of the purported heritage value of the Subject Property. Accordingly, our client disagrees with the proposed listing of the Subject Property.

Given the specialized nature of the knowledge required to conduct a thorough study, we anticipate that there will not be sufficient time to complete the work ahead of Council’s meeting on December 13, 2022. Given the upcoming holiday season, we expect that such constraints will last into the new year.

A deferral is appropriate and proportionate under the circumstances, given the considerable, uncompensated, inconvenience that is created by being listed in the Heritage Registrar under the *Ontario Heritage Act*.

Yours truly,
DAVIES HOWE LLP



Aaron I. Platt
Professional Corporation

AIP: al

copy: Mr. John O'Reilly, City of Burlington, Planner II, Heritage

O'Reilly, John

From: Nezih Bosut [REDACTED]
Sent: Monday, September 26, 2022 5:57 PM
To: O'Reilly, John
Cc: Mailbox, Clerks
Subject: 458 LOCUST STREET HERITAGE
Attachments: City of Burlington Heritage 0001.pdf

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Dear John O'Reilly,

I was away last week when your attached letter arrived in my office. I did not have the chance to respond prior to the City Council meeting that was on September 20th. I bought this property in 1990 and it was a residential property at that time. We altered its status to commercial in 1991. We did substantial renovation inside and added a small room in the front. Other than the brick façade, the whole building was re-constructed. At a later date, we build also a new addition in the back.

City approached me couple of times in the past to put my building on the Register and I respectfully declined. I would like to do the same again and kindly ask you not to list my property on the Register.

Sincerely Yours,

Nezih Bosut



O'Reilly, John

From: Hordyk, Debbie on behalf of Mailbox, Clerks
Sent: Friday, September 23, 2022 8:56 AM
To: O'Reilly, John
Subject: FW: 524 Locust Street owner response to the letter FW: City of Burlington Municipal Information Notice.
Attachments: doc02520720220919131520.pdf
Importance: High

John, could you respond to the email below please.

Thanks
Debbie

Debbie Hordyk

Administrative Assistant to the City Clerk
Office of the City Clerk
(905) 335-7600 ext.7805
debbie.hordyk@burlington.ca



"Our working hours may be different. You are not obligated to reply outside of your typical working hours."

From: Daniel Russell [REDACTED]
Sent: Wednesday, September 21, 2022 3:28 PM
To: Mailbox, Clerks <Clerks@burlington.ca>
Subject: 524 Locust Street owner response to the letter FW: City of Burlington Municipal Information Notice.
Importance: High

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Hello,

I received this notice after the meeting was held and had no time to respond.

I am against having my house added to a Register.

My property has very little of the original anything in it, it has 2 or 3 additions in the past 50 years (judging from the bricks/block/wood exterior and basement).

I use the property for my quiet enjoyment and as the area continues to get redeveloped, the noise and the traffic and the crime make it less attractive for me; and hence it should be left alone to be developed with the rest of the neighbourhood it is a part of, since it is very much disrupted by these material changes in the neighbour; in my opinion..

Regards
Daniel



Daniel J. Russell MBA
President

[Redacted]

[Redacted]

[Redacted]

Daniel J. Russell

[Redacted]

[Redacted]

 Please consider the environment before printing this e-mail

From: Leslie Thompson [Redacted]
Date: Tuesday, September 20, 2022 at 3:05 PM
To: Daniel Russell [Redacted]
Subject: City of Burlington Municipal Information Notice.

Hi Daniel,

Attached is an information notice from City of Burlington addressed to 524 Locust Corp.

Thank you,



Leslie Thompson
Administrative Assistant
reception@russellindustries.com

www.RussellIndustries.com

Russell Industries Corp.
Leslie Thompson
4248 Broughton Avenue, Niagara Falls, ON L2E 3K6
Ph 905 646 7545
Fax 905 356 6760
Cell 416 871 3678

GREEN GERMANN SAKRAN

BARRISTERS, SOLICITORS & NOTARIES

BLAIR W. GREEN, B.COMM., LL.B. (1972 - 2008)
GORDON P. GERMANN, B.A.Sc., P.ENG., LL.B., (retired)
KARMEL SAKRAN, B.A., LL.B.
W. EARL TAYLOR, B.A., LL.B.
GIOVANNI (VAHN) D'AMELIO, B.A., LL.B.
MATTHEW LESLIE, LL.B.
ANASTASIA LINTHWAITE, B.A., LL.B.

OFFICES IN BURLINGTON,
HAMILTON, MILTON,
OAKVILLE & MISSISSAUGA

MAIN OFFICE:
411 GUELPH LINE, P.O. BOX 400
BURLINGTON, ONTARIO
L7R 3Y3

TOLL FREE: 1 855 512-8002
LOCAL TEL: (905) 639-1222
FAX: (905) 333-5455

IN ASSOCIATION WITH THE LAW FIRM OF SERAFINI SAKRAN (Oakville)

January 13, 2023

Via E-mail

City of Burlington
426 Brant Street
Burlington, ON L7R 3Z6

Attention: Mayor Mead-Ward and Members of Council

Dear Mayor Mead-Ward and Members of Council,

RE: Objection to inclusion of 2010 Maria Street, Burlington ("Property") on the Heritage Register & Request to Remove property from The Heritage Register

On behalf of Nisrat Nasar, we are writing to Council as the owner representative of the above-noted property regarding the City's decision to include on the Heritage Register.

Our client was not notified of the City's proposed inclusion of its above-noted property until after the decision was made. It demonstrates a disregard for my client's property and property rights and a grave disappointment to our client.

It is unclear who initiated the study of heritage properties in the downtown and why it was initiated at a time when the Planning Department is under-staffed and inundated with workloads related to development applications, OLT hearings and ongoing matters related to the new Official Plan appeals.

Burlington's heritage properties have been studied extensively numerous times, and it is unclear why they are being studied again at a time when the City needs to focus on more complex development-related matters and Covid-19 recovery.

Until now, my client's property has never been subject to heritage review. Quite frankly, the building was never of any interest to heritage or its historical significance.

The inclusion of my client's property in this seemingly arbitrary on mass heritage review process provides little or no confidence in the validity or authenticity of the process or reasoning behind its inclusion.

Our respectful position is that the subject building has no historical value or design value. The building was constructed in 1956 as a retail storefront. Elaine and Ken Bolt purchased the property in March 6, 1986 from which they operated their flower shop up until they sold the property to my client in February of 2022.

The building's use as a police station was transient compared to its use as a flower shop and of little significance compared with the former police station located on the corner of Locust Street and Elgin Street, demolished some years ago and replaced with the Burlington Performing Arts Centre building.

The subject building has undergone substantial renovations over the years and no longer has any of its former features (even the consultant's report notes that the horizontal windows have been altered). Besides, the horizontal window style has been used routinely in old and new construction and does not qualify, in and of itself, as a significant design feature justifying heritage designation.

For these reasons, we respectfully request the removal of the subject property from The Heritage Register.

Yours truly,

~~GREEN GERMANN SAKRAN~~

~~KARMEL SAKRAN~~

KS/dr

cc. Clerks Department clerks@burlington.ca