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SENT BY E-MAIL: chloe.richer@burlington.ca

HERITAGE CONSERVATION - CITY OF BURLINGTON
426 Brant Street, PO Box 5013
Burlington, Ontario
L7R 3Z6

ATTENTION: COMMITTEE OF THE WHOLE
CHLOE RICHER, Heritage Planner

Dear Ms. Richer:

RE: Bill 23 - HERITAGE DESIGNATION SHORTLIST PROJECT UPDATE
(380 BRANT STREET, BURLINGTON ONTARIO)
OUR FILE NO.: 23L0116

We act for Emshih Developments Inc. ("Emshih"), the owner of the land municipally known as 380 Brant Street, Burlington, Ontario.

We request that a copy of this letter be provided to each member of the Committee of the Whole, and to each member of council, for review and consideration.

Our client has received the Staff Recommendation Report Summary, Report No. DGM-10-25. Emshih objects to the staff's recommendation to Committee to approve the Intent to Designate 380 Brant Street.

It is our client's position that this decision is inconsistent with the reasons given for the first removal from the Register in 2010, as well as, the issuance of a demolition permit for 380 Brant Street in 2004.

In 2004, our client took the required steps to obtain a demolition permit for the 380 Brant Street property. At that time, the property was listed on the Heritage Register.

The Heritage Advisory Committee (previously the L.A.C.A.C.) and the City of Burlington Building Department conducted the necessary review of the property and determined that there were no concerns with issuing a demolition permit. The Committee further commented in the report that over the years, the many additions, and alterations to the structure of the building had deteriorated the historical characteristics of the building, to the extent that little was recognizable from the original historic building, thus justifying its approval for demolition.

The demolition permit was issued, but our client did not exercise its ability to demolish the building at this time. Currently, the property is occupied for the operation of Wendel Clark's Classic Grill & Bar.

Despite the demolition approval, the 380 Brant Street property remained listed on the Heritage Register.

In 2009, our client took the required steps to have the property removed from the Heritage Register. The Burlington Heritage Advisory Committee and the Heritage Workshop conducted a further review. On July 15, 2010, in a Committee Meeting, Council approved the removal of 380 Brant Street from the Heritage Register.

In providing reasoning for this decision, the Council cited a report by our office which heavily referenced the reasoning given in the 2004 decision of the Building Department and the L.A.C.A.C in granting the demolition permit. In addition, the Council further agreed that a "balance of convenience" approach should guide the committee in its decision to remove properties from the Heritage Register, where the owners have made requests to do so.

In January and February, 2023, the City of Burlington held various meetings to discuss and advance its heritage study, which would inform the creation of the Cultural Heritage Landscapes. It is our client's understanding that throughout these meetings, it was decided that the 380 Brant Street property be re-added to the Heritage Register. It is our client's position that there are no reasonable grounds to designate the property.

The property no longer possess significant historical/heritage characteristics as a result of several additions and alterations. The 2004 and 2010 decisions of the Municipality conveyed this reasoning, and since those decisions, the building has undergone further additions, alternations and general wear-and tear which would cause even less historical character to be left within the property at this time.

For these reasons, it is our client's position that designation of 380 Brant Street is unreasonable and inequitable. The decision to do so lacks any merit, and as a result, causes hardship and delay to our client's business and potential projects.

Our client is requesting that the Committee and Council decline to designate this property. It was previously removed from the Heritage Register on the basis that it no longer possess the level of historical character required to preserve the building.

Thank you for your time and consideration.

Yours very truly,

SCARFONE HAWKINS ^{LLP}

"DAVID THOMPSON"

DAVID THOMPSON (P.C.)
DT/ss

cc. Clerk (via email to clerks@burlington.ca)