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July 31, 2025

SENT BY E-MAIL: clerks@burlington.ca; john.oreilly@burlington.ca

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

**ATTENTION: JOHN O'REILLY, Heritage Planner
& Heritage Burlington Advisory Committee Staff Liason**

ATTENTION: OFFICE OF THE CITY CLERK

Dear Mr. O'Reilly/City Clerk:

**RE: THE CITY OF BURLINGTON CULTURAL HERITAGE LANDSCAPE
(380 BRANT STREET, BURLINGTON ONTARIO) - 23L0116**

We write on behalf of our client, Emshih Developments Inc. ("Emshih"), the legally registered owner of the above noted property.

This letter constitutes our client's formal objection to the intention to designate 380 Brant Street, Burlington (the "Property") under Part IV of *the Ontario Heritage Act*.

The heritage value of this Property has been reviewed and studied a number of times over the past 20 years. Staff's recommendation, supported by City Council, to designate the Property is not warranted.

Our client is deeply disappointed with the overall process and disagrees with the Statement of Cultural Heritage Value or Interest prepared for the Property.

Emshih's objection is based on the following:

1. Statement of Cultural Heritage Value or Interest

The Statement of Cultural Heritage Value or Interest refers to features of the Property that have been altered and renovated over time and have significantly diminished the value of any heritage attributes.

At the time a demolition permit was issued, L.A.C.A.C. stated:

“[the Property] has gone through many name changes and alterations in the past 140 years. The original wooden structure was moved back from the street and a three-story addition was built on the front of the original wooden structure in 1903. Over the years there have been additions and alterations to the structure to the extent there is little recognizable from the original historic building”.

2. Prior Inclusion on the Municipal Heritage Register

In 2004, Emshih applied for a demolition permit for the Property, at the time it was included on the Heritage Register. Following review by the L.A.C.A.C. (today The Burlington Heritage Advisory Committee), L.A.C.A.C. determined that there were no concerns with respect to issuing a Demolition Permit as, over the years, the many renovations and alterations to the Property had left little of the heritage characteristics intact. See letter from the Building Department attached as Schedule “A”.

A Demolition Permit was issued, however, demolition never occurred and today the building continues to be occupied by a restaurant operator.

3. Removal from Municipal Heritage Register

The Property continued to be included on the Heritage Register after the Demolition Permit was granted. In 2009, Emshih requested the Property be removed from the Register. The Property was subject to further review by the Burlington Heritage Advisory Committee and Heritage Workshop. Removal occurred July 15, 2010, by council decision.

4. Lack of Notice and Consultation with Property Owners

Emshih was not notified of the proposed inclusion of the Property until the day of the CPRM Committee Meeting held September 13, 2022. The proposed inclusion came as a surprise considering that the Property had been removed ten years earlier. It was also disappointing that Emshih as property owner was not notified and consulted in advance on a significant matter that has implications to the Property and its property rights.

5. Additional and Unnecessary Workload for Staff

The Planning Department is understaffed and inundated with workload relating to development applications, OLT hearings and ongoing matters related to the new Official Plan appeals, which continue to remain largely unresolved.

The intention to designate the Property and additional properties included in the review add yet another hurdle in bringing appropriate development to the downtown core and bringing much needed housing and affordable housing to the city.

Emshih formally objects to the intention to designate the Property as set out above and requests its timely removal from the City of Burlington Heritage Registry.

Yours very truly,

SCARFONE HAWKINS ^{LLP}

"DAVID THOMPSON"

**DAVID THOMPSON (P.C.)
On behalf of Emshih Developments Inc.
DT/ss**