

303 Richmond St., Suite 201  
London, ON N6B 2H8

August 18, 2022

By email:

City of London  
Attn: Michael Schulthess, City Clerk  
300 Dufferin Avenue  
London, ON N6B 1Z2

Dear Mr. Schulthess:

**RE: Notice of Objection  
Notice of Intention to Designate Under Part IV of the Ontario Heritage Act  
183 Ann Street and 197 Ann Street**

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We received the City staff report regarding the above noted matter. This letter is intended to clarify York's objection to the proposed designation of the properties at 183 and 197 Ann Street and respond to some of the points in the staff report.

York Developments does not object to the principle of the heritage designation or recognition of heritage resources. However, we do object to the timing of the designation given that the lands are in the midst of a planning process.

On July 5, 2022 Council approved an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications for the subject lands, including the properties at 183 and 197 Ann Street. The concept of development that is permitted by the OPA and ZBA approved by Council will result in removal the buildings. The heritage value of the properties will be conserved through salvage and reuse of portions of the buildings, commemoration of the historic use of 183 Ann Street as the former Kent Brewery and other measures. Therefore, the heritage designation bylaw proposed by staff is not necessary and in conflict with Council's earlier decision on the OPA and ZBA and the resulting proposed form of development.

We are requesting that Council not designate the properties under Part IV of the Ontario Heritage Act at this time. Our reasons for objection are described more fully below.

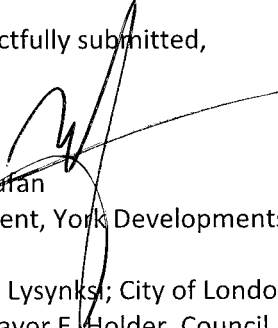
1. **The buildings are not under threat of demolition.** York Developments have not submitted a demolition application nor do we intend to at this point in time. As noted, the lands are part of a development planning application and we have no intention of submitting a demolition application or any other type of alteration to the buildings until those planning applications have run their course. While the OPA and ZBA applications have been approved, the project still requires site plan approval from the City. Therefore, there is no need to designate the buildings now in order to protect them from any imminent changes.
2. **Council is not required to designate the properties because they meet the criteria for designation in the Ontario Heritage Act.** The staff report leaves the impression that Council must designate the properties because the heritage evaluations have concluded that the properties meet the criteria for designation. This is not the case. Section 29 of the Ontario Heritage Act states that “The council of a municipality may, by bylaw designate a property within the municipality ...”. There are many, many properties within the City that would meet the tests for designation that Council has not designated.
3. **It is not necessary for Council to designate the buildings in order to ensure that the heritage value of the two buildings is appropriately considered.** As noted above, there are still further approvals that are required before development of the site can occur. This includes site plan approval, which will consider the detailed design and development of the site. Through the site plan approval process, the salvage and integration of the Kent Brewery will be detailed and subject to approval. As will any commemoration and interpretation of the heritage value of the site.

Furthermore, as part of the approval of the zoning bylaw amendment a holding provision was placed on the lands. The holding provision requires that the heritage buildings be dealt with appropriately including that all or portions of the property may be designated. The lifting of the holding provision requires approval by Council. Therefore, Council will have consideration of how the heritage value of the site is to be conserved.

4. **A heritage designation can be considered as part of the approval and implementation of the ongoing planning approvals.** As noted in our previous submissions, York Developments is not opposed to designation but request that any designation occur at the end of the process once the detailed design considerations subject to Site Plan approval are completed. Contrary to the staff report, the property does not need to be designated now to ensure that heritage matters are appropriately dealt with.

For these reasons we are requesting Council withdraw its notice of intention to designate the properties at 183 and 197 Ann Street.

Respectfully submitted,



Ali Souran  
President, York Developments

Cc: H. Lysynski; City of London (Item 4.1; August 22, 2022 Planning and Environment Committee Meeting)  
Mayor E. Holder, Council Members; City of London