

November 30, 2020

**By E-Mail to *cityclerksoffice@brampton.ca***

Peter Fay, City Clerk  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2

Dear Mr. Fay:

**Re: Response to Notice of Intention to Designate the Property at 10020  
Mississauga Road, Brampton under Part IV of the *Ontario Heritage Act***

We are counsel to The Apple Factory (2007) Corporation ("The Apple Factory"), the owner of the property municipally known as 10020 Mississauga Road, Brampton (the "Property").

Our client received a Notice of Intention to Designate, dated October 30, 2020, advising that City Council intends to designate the Property as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act* (the "*OHA*"), with the alleged heritage resource being described as a "one-and-a-half storey, detached brick house believed to have been built in the early 1880s". The so-called "brick house" on the Property is, in fact, a vacant building that is in very poor condition.

We are writing to advise that although The Apple Factory does indeed oppose the proposed heritage designation of the Property, it is not serving a formal notice of objection under subsection 29(5) of the *OHA* and seeking to have the matter referred to the Conservation Review Board (the "CRB").

Our client's decision in this regard is, in part, based on the limited authority of the CRB; the existing ability to proceed with an application under section 34 of the *OHA* to demolish or remove buildings or structures on the Property; and recent amendments to the *OHA* that are anticipated to come into force in the near future that will, among other things, provide landowners with additional rights of appeal to the Local Planning Appeal Tribunal (the "LPAT").

Thus, our client's decision to not proceed with a formal objection at this time should in no way be viewed as The Apple Factory's acceptance of or agreement with the proposed heritage designation. On the contrary, our client strongly opposes the proposed designation. Accordingly, The Apple Factory expressly reserves the right to make subsequent application(s) under the *OHA* and/or seek to repeal any heritage designation by-law that the City may enact in relation to the Property.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

copy: Harsh Padhya, Assistant Heritage Planner, City of Brampton  
Client