

February 23, 2024

Sent by email to CityClerk-HeritageObjections@ottawa.ca

Jacob Polowin
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jacob.polowin@gowlingwlg.com
File no. 01422305

David White
Interim City Clerk
City of Ottawa
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Dear Mr. White:

**Re: City of Ottawa File No. ACS2024-PRE-RHU-0002
Designation of 290 City Centre (the “Property”) under Part IV of the Ontario Heritage Act
Notice of Objection**

We are the lawyers for Freedman Holdings Inc., the owner of the Property. Please accept this letter and its enclosures as a Notice of Objection with respect to the City’s Notice of Intention to Designate the Property under Part IV of the Ontario Heritage Act (“**OHA**”). The grounds of objection follows:

1) The Property is contaminated

A January 9, 2024 report prepared by Arcadis Canada Inc. (attached at Appendix “A” to this letter), confirms that the Property is contaminated by dry-cleaning solvents in groundwater associated with the former Brown’s Cleaners at 270 City Centre, which has since been demolished. Arcadis is a leading expert in Canada on contamination associated with dry-cleaning. Arcadis determined that the prevailing groundwater flow is from the former Brown’s site towards the Property. A monitoring well located approximately 5m to the west of the building on the Property (the “**Subject Building**”) confirmed that groundwater contaminant levels remain elevated on the Property.

Arcadis states:

Arcadis has been conducting ongoing semi-annual indoor air and sub-slab air testing at the building located at 290 City Centre Ave., confirming that the building is safe to be used and occupied. However, the data indicates that there is some contamination below the 290 City Centre Ave. building, which will necessitate on-going indoor air monitoring to assess any potential indoor air risk in future.

It is important to note that the site of the former Brown’s Cleaners itself has undergone remediation.

2) Designation will prevent full remediation of the Property

The presence of the Subject Building on the Property hinders full remediation. As Arcadis explains, “the presence and use of the 290 City Centre Ave. building has prohibited direct ground water testing, installation of injection wells and injection of bio-remediation product below the building footprint.

Arcadis continues,

“It is important for the remediation program to continue and engage in direct ground water testing and remediation below the building footprint of 290 City Centre Ave. **This will require unhindered access to the area in the vicinity of MW2105 and underneath the 290 City Centre Ave. building** itself in order to complete a more thorough and expansive injection of bioremediation product. **Until remediation is complete, every snow melt and rain event could affect the location and extent of CVOC contamination.**”

In order to achieve full remediation of the Property, Arcadis recommends removal of the Subject Building. A January 16, 2024 structural review of the Subject Building by Cleland Jardine Engineering Group (the “**Structural Review**,” attached at Appendix “B” of this letter) concludes that remediation will require excavation beyond the depth of the foundations of the Subject Building. Designation of the Property under Part IV of the *OHA* would prevent relocation or demolition of the Subject Building, if required, and would thus make full remediation impossible.

Designation of the Property may hinder the City’s goals for the area including the Property. In the Bayview Station Community Design Plan (“**CDP**”), the City recognizes that the Bayview Station District, which includes the Property, is “poised to become one of Ottawa’s most important and vibrant transit-oriented communities.” The CDP states that the district “seeks a very dense, urban form of development” and “aims to retain and enhance existing community assets while encouraging high density, high quality development” in proximity to Bayview Station.” An inability to fully remediate may limit opportunities for future development of the Property, thereby hindering the evolution of a central part of the district.

3) The Subject Building requires structural repair

The Structural Review outlines the structural repair required for the Subject Building, especially in light of the possible implications of remediation, including that:

- a) The concrete elements of the foundation walls are in poor condition;
- b) There is extensive deterioration of the foundation walls beneath the front entrance area;
- c) Settlement of the footings has occurred; and
- d) Extensive repair and replacement of the foundation walls and the lower sections of brick cladding will be required in order to accommodate the necessary shoring or relocation required for remediation of the Property.

The structural repairs will already be cost prohibitive, and designation will merely increase the cost and difficulty of the necessary repairs.

4) In the alternative, designation should be contingent on CIP funding

The Structural Review concludes that temporary relocation of the Subject Building is likely to cost at least \$900,000 exclusive of HST and professional fees. Given this prohibitive cost, if the Property is designated, designation should be contingent on the City contributing to the cost of relocation and restoration of the Subject Building under the Heritage Community Improvement Plan.

5) Comments on the Statement of Cultural Heritage Value

The Statement of Cultural Heritage Value for the Property is flawed in that:

- a) The statement incorrectly suggests that W.C. Edwards constructed the Subject Building;
- b) The statement does not articulate how the Subject Building is important in supporting the area's historic character; and
- c) The statement inappropriately describes the Subject Building as a "landmark."

6) Conclusion

Our client intends to supplement these grounds of objection with a Heritage Impact Assessment ("HIA") being prepared by Commonwealth Historic Resource Management. We will provide the City with a copy of the HIA in due course. Our client's objection to designation is based on the above grounds, as well as the grounds that will be set out in the HIA. Our client reserves the right to raise further grounds of objection or appeal should the City proceed with designation.

We note that the Arcadis Report and the Structural Review could have been reviewed with staff, but BHAC and Council refused our requests for a one month deferral in order to have those discussions.

Please ensure that all future notices in this matter, or any further requests for information, are directed to the undersigned and copied to Michael Polowin.

Sincerely,

Gowling WLG (Canada) LLP



Jacob Polowin
Partner

JP
Encl.

APPENDIX 'A'

John Georgakopoulos, M.Sc., LL.B
Partner, Certified Specialist in Environmental Law
Willms & Shier Environmental Lawyers LLP
1 Toronto Street, Suite 900 Toronto, ON M5C 2V6

Date: 9 January 2024
Our Ref: 30088255
Subject: 290 City Centre building; Building demolition and Remediation review

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www.arcadis.com

Privileged and Confidential

Dear John,

Arcadis is providing you with the following status update on the active groundwater remediation program at the 250/270 City Centre property and recommended immediate next steps.

In 2010, Arcadis (formerly Franz) had completed a program of bioremediation to address dry-cleaning solvents in groundwater associated with the former Browns Cleaners facility at the 270 City Centre property. Groundwater monitoring, indoor air and slab vapour sampling were also completed.

Similar ongoing annual bioremediation and monitoring activities were completed annually by Arcadis at the 250/270 City Centre property up to 2020. Remediation activities were hampered by the presence of the Browns Cleaners building and inability to obtain unobstructed access to areas of contamination.

In the summer of 2020, the former Browns Cleaners building was demolished, which provided better access to the property for purposes of contaminant delineation. Delineation was completed using Membrane Interface Probe (MIP) technology in August 2020 across the former building footprint. Additional bioremediation injection wells were then installed beneath the former building footprint to target areas having elevated concentrations of chlorinated volatile organic compounds (cVOCs) and, thereby, improved subsurface bioremediation efficiency.

In May 2022, Arcadis injected 49,600 L of bioaugmentation culture KB1 and Emulsified Vegetable Oil (EVO) to facilitate bioremediation in the vicinity of the former Browns Cleaners building. Substantial decreases in CVOC groundwater contaminant concentrations were observed across the site in late 2022/early 2023 and elevated ethane/methane concentrations in groundwater indicated active bioremediation processes were occurring.

It was determined that the prevailing direction of groundwater flow is inferred to be towards the east, with a slight component towards the southeast, i.e., from the source area of the former dry-cleaning facility towards the 290 City Centre Ave. property.

Groundwater contaminant levels remain elevated at monitoring well MW2105, located approximately 5 m to the west of the 290 City Centre building. Arcadis has been conducting ongoing semi-annual indoor air and sub-slab air testing at the building located at 290 City Centre Ave., confirming that the building is safe to be used and occupied. However, the data indicates that there is some contamination below the 290 City Centre Ave. building, which will necessitate on-going indoor air monitoring to assess any potential indoor air risk in future. The presence and use of the 290 City Centre Ave. building has prohibited direct ground water testing, installation of injection wells and injection of bio-remediation product below the building footprint.

290 City Centre, Ottawa – Remediation Review
ARCADIS- January 2024

It is important for the remediation program to continue and engage in direct ground water testing and remediation below the building footprint of 290 City Centre Ave. This will require unhindered access to the area in the vicinity of MW2105 and underneath the 290 City Centre Ave. building itself in order to complete a more thorough and expansive injection of bioremediation product. Until remediation is complete, every snow melt and rain event could affect the location and extent of CVOC contamination.

Given the above, it is our opinion that the existing gallery building at 290 City Centre Ave. should be demolished to allow for the recommended delineation tasks and final completion of remaining site remediation activities.

Sincerely,
Arcadis Canada Inc.



T. Austrins, P. Eng.
Project Engineer

Email: troy.austrins@arcadis.com
Direct Line: 613-703-3035

APPENDIX 'B'

January 16, 2024

District Realty Management Inc.
50 Bayswater Avenue
Ottawa, ON
K1Y 2E9

Attention: Mr. Michael Morin

Dear Sir,

Re: 290 City Centre Avenue – Structural Review
Our Reference Number: 23-1342



As requested, Cleland Jardine Engineering Ltd. has completed a review of the existing structure located at 290 City Centre Avenue, Ottawa.



Front/West Elevation



Rear Elevation

It is our understanding that extensive excavation is required around the perimeter of the building so as to facilitate the removal of contaminated fill material. The anticipated depth of the excavation will extend beyond the foundations of the building and will also potentially continue beneath the structure.

The existing structure appears to consist of the following elements:

- 1) The building is a two storey wood frame structure.
- 2) The exterior walls are brick construction 2 wythes of brick set up in a common American bond with header course every six courses. The keystones, sills, door surrounds and string courses are architectural precast concrete units.
- 3) The basement foundation walls are a combination of cast in place concrete with a rusticated brick finish below the first floor string course.
- 4) The basement floor is a cast in place concrete slab on grade.
- 5) The ground floor framing is wood joists and decking.

The site was visited on November 27, 2023, and the following is a summary of our observations:

- The majority of the main floor wood frame structure was concealed by interior finishes and could not be examined.
- The perimeter foundation walls were visually reviewed where accessible. The concrete was found to be in fair to poor condition, particularly at the front (south) walls.
- The brick bears directly on the foundation walls and was also found to be extensively deteriorated beneath the front entrance area. Due to elevation changes of the exterior grade, the brick cladding on the front and side walls is partially below grade.



Foundation Wall Deterioration



Brick Deterioration

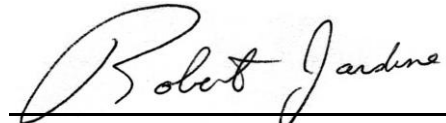
- Settlement of the footings was noted at the north-east corner of the building where grades are at the basement floor level. The settlement is evident at the eaves.

As noted, it is our understanding that a major site remediation is planned to address environmental contamination. While the extent and depth of excavation will not be known until the project commences, the work will require that the entire structure be either temporarily supported or relocated. Based on our site observations, it is our opinion that extensive repairs and/or replacement of the foundation walls and lower sections of brick cladding will be necessary in order to accommodate any temporary shoring or relocation plan. It is anticipated that the value of this work will be cost prohibitive and it is our opinion that demolition of the structure will therefore likely be required to accommodate any major site remediation. The preliminary order of magnitude estimate for temporary relocation and reinstatement of the building is between \$900,000 plus HST and professional fees

We trust the preceding is acceptable. If you have any questions, please contact the undersigned.

Yours truly,

CLELAND JARDINE ENGINEERING LTD.


Robert Jardine, P.Eng.

