



August 6, 2024

David Tang
Direct Line: +1 416.597.6047
dtang@millerthomson.com

Delivery via E-mail & Same-Day Courier

City Clerk
The Corporation of the City of Mississauga
300 City Centre Drive, 2nd Floor
Mississauga, ON L5B 3C1

Attention: City Clerk

**Re: Objection to Notice of Intention to Designate 3625 Cawthra Road (Ward 3)
Reference No. HAC-0051-2024 - File: CS.08.CAW**

We are the solicitors for the Ukrainian Catholic Episcopal Corporation, the owner of the properties known municipally as 3593, 3599, 3603, 3609 and 3625 Cawthra Road, Mississauga.

Our client received a July 10, 2024 letter providing Notice of Intention to Pass a By-law to Designate 3625 Cawthra Road. Please accept this letter as it Objection to the Designation of the property as set out in the materials considered by the Heritage Advisory Committee and to be considered by City Council.

Deferral Request

Our client has retained Dan Currie of MHBC Planning Urban Design and Landscape Architecture (“MHBC”) to discuss the precise scope of this designation with the City’s Heritage staff and we would ask that our client’s heritage consultant be given that opportunity to see if there can be an agreed-upon approach to designation and form of designation by-law before it is presented to City Council. Would Council or staff please defer consideration until that can occur, likely this week or the next.

Request

In any event, to preserve our client’s right, and subject to any further analysis by MHBC, our client objects to the designation as proposed and instead requests as a minimum:

1. That the designation by-law identify and designate only the land on which the church building is located and that municipal addresses 3593, 3599, 3603 and 3609 Cawthra Road not be identified or designated. This can be accomplished by reducing the drawn boundary of the property identified as being designated as in the drawing attached hereto as Schedule “A”.
2. The Draft Designation Statement be amended to delete the sentence: “The church was also designed by architect Roman Dumyn who was a prominent figure in the Ukrainian community.”

The following are the preliminary reasons for this objection and these requests.

Only Church Lands Should be Designated

While our client does not object to the designation of the church building itself, located at 3625 Cawthra Road, the Location Map and the Research Report identifies the property to be designated as a much larger parcel of land than needed to protect the church building. It includes adjacent houses and lands. More than 3625 Cawthra Road is identified in the Location Map and the drawings in the Research Report, namely the other four municipal addresses, 3593, 3599, 3603 and 3609 Cawthra Road. Those four addresses contain low-rise single family house forms of no particular heritage value.

There is nothing in any of the materials, including the Research Report, indicating or even suggesting that anything located on the lands that contain house-form buildings have any heritage value. As a result, those lands should not be designated, as nothing on those land meets any of the criteria for heritage designation found in O. Reg. 9/06 as required by section 29 of the *Ontario Heritage Act*, as amended.

Indeed, as can be seen in the PIN Map and Plan (Schedule "B" and "C", respectively), the church building was historically a separate parcel of land, with each of the individual houses being separate lots. While some of them were inadvertently merged when they were donated to our client at least one of them remains a separate parcel of land bearing Property Identification Number (PIN) 13313-0004.

An appropriate schedule to the Designation By-law would be as attached, with the Designated Property delineated in the hatched green lines.

Roman Dumyn

Our client disagrees with the Designation Statement referencing Roman Dumyn in any way. The Research Report admits that "[d]espite an exhaustive search, little information was found about architect, Roman Dumyn." The only information available about Mr. Dumyn is his parentage, derived from not even his obituary, but that of his sister, Alexandra Samotulka, that he helped reunite some Ukrainians whilst in the Ukraine (and not Ontario) and that he was a contractor and then later an architect. There is no evidence to support the statement in the Draft Designation Statement that he was "a prominent figure in the Ukrainian community".

The proposed statement that "The church was also designed by architect Roman Dumyn who was a prominent figure in the Ukrainian community" should thus be deleted as the building does not "demonstrate or reflect the work or ideas of an architect... who is significant to a community."

Removal of that statement does not detract from the historical or associative value the church building has to contribute to an understanding of a community or culture, but prevents any misunderstanding as to what aspects of the building and the heritage attributes must be considered in the event a permit to alter the property is required at a later date.

Our client reserves the right to raise additional reasons and requests after appropriate analysis by MHBC.



Please provide us with notice of any public meeting at which the designation is to be discussed and register us to depute to Council at the time it considers designation of this matter. If you require any further information, please contact us.

Yours truly,

Per: 

David Tang
Providing services on behalf of a Professional Corporation
Partner
DT

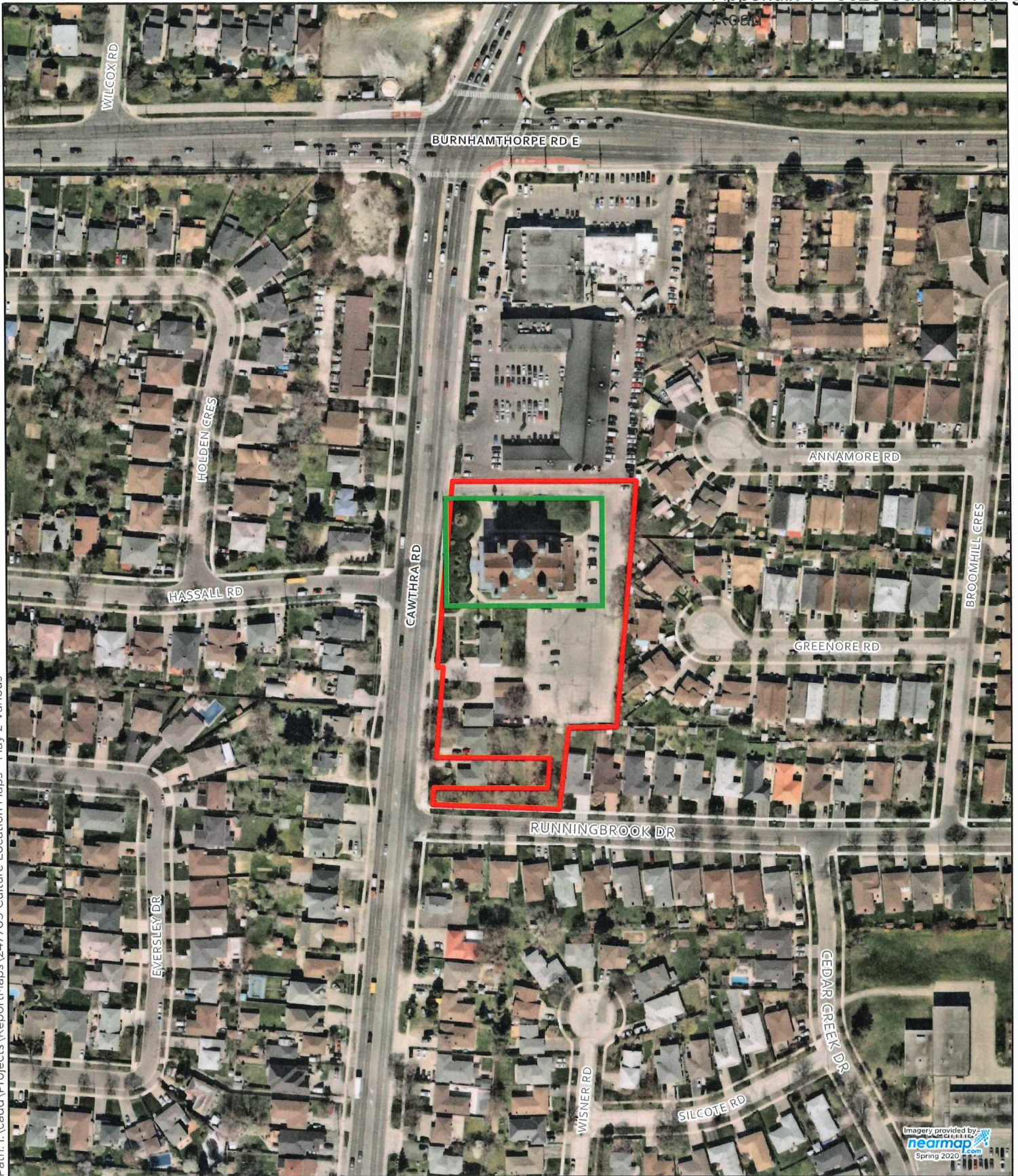
Designation drawing
PIN Map
Plan 827



SCHEDULE "A" – DESIGNATION DRAWING



5/13/2024



Path: I:\cadd\Projects\ReportMaps\247709 Culture Location Maps - May 2 Various

Imagery provided by nearmap.com Spring 2020

3625 Cawthra Road



3625 Cawthra Road



Designated Property



Produced by Geospatial Solutions

Schedule "B" – PIN MAP



PRINTED ON 25 JUL, 2024 AT 08:47:48
FOR PATRICIA01



PROPERTY INDEX MAP
PEEL (No. 43)

LEGEND

- FREEHOLD PROPERTY
- LEASEHOLD PROPERTY
- LIMITED INTEREST PROPERTY
- CONDOMINIUM PROPERTY
- RETIRED PIN (MAP UPDATE PENDING) 0449
- PROPERTY NUMBER 08050
- BLOCK NUMBER
- GEOGRAPHIC FABRIC
- EASEMENT

THIS IS NOT A PLAN OF SURVEY

NOTES

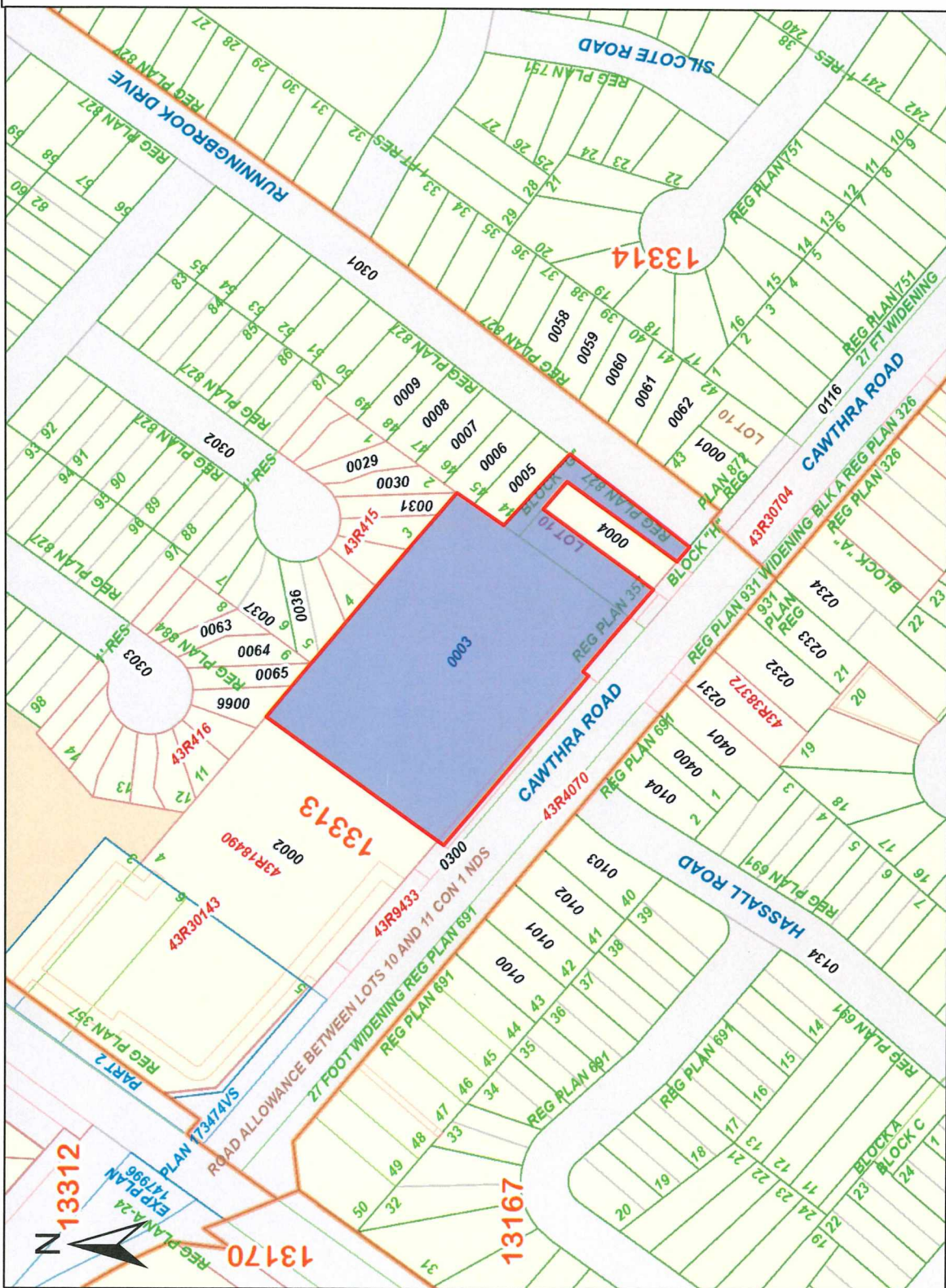
REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED

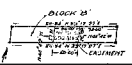


Schedule "C" – PLAN

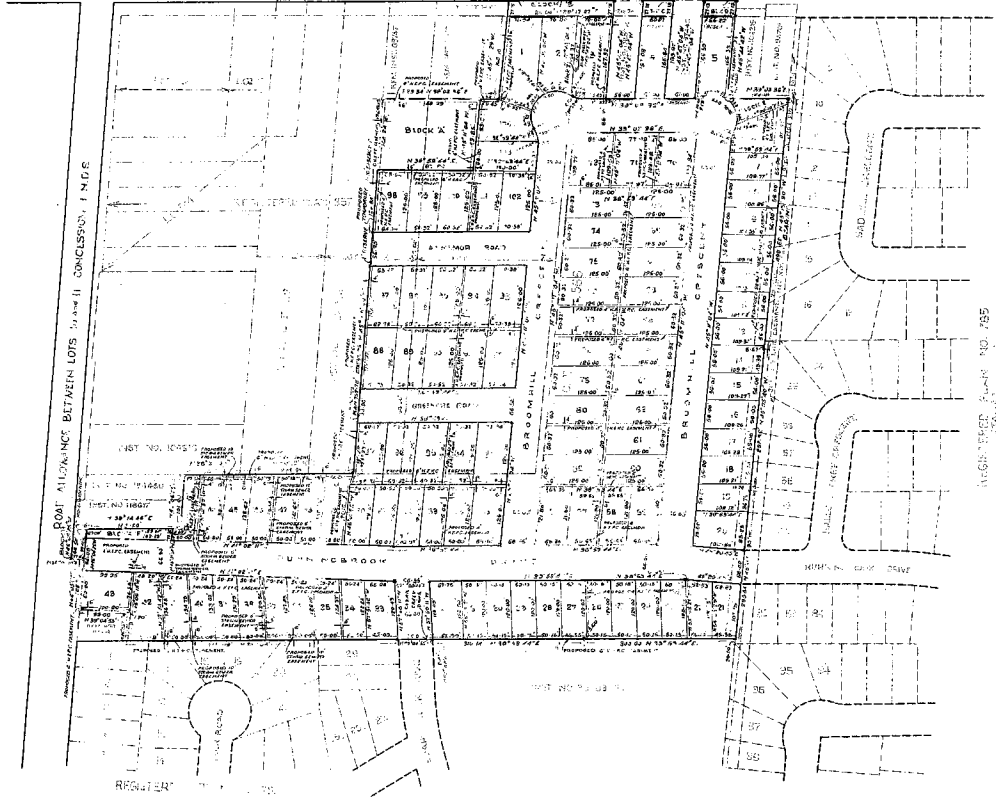


1827 Pt. 1

C. PLAN OF SUBDIVISION
 OF PART OF LOT 1 and 2 REGD PLAN 303 AND PART OF LOT 10 OF 11 N.D.S.
 TOWN OF MISSISSAUGA COUNTY OF PEEL



ROAD ALLOWANCE BETWEEN CONCESSION 1 and 2 N.D.S. (BURNHAMTHORPE RD)



LOT	ARC	CHORD	BEARING	AREA
1	66.00	35.00	N 60° 00' 00" E	1100.00
2	142.00	70.00	N 60° 00' 00" E	4900.00
3	142.00	70.00	N 60° 00' 00" E	4900.00
4	66.00	35.00	N 60° 00' 00" E	1100.00
5	66.00	35.00	N 60° 00' 00" E	1100.00
6	66.00	35.00	N 60° 00' 00" E	1100.00
7	66.00	35.00	N 60° 00' 00" E	1100.00
8	66.00	35.00	N 60° 00' 00" E	1100.00
9	66.00	35.00	N 60° 00' 00" E	1100.00
10	66.00	35.00	N 60° 00' 00" E	1100.00
11	66.00	35.00	N 60° 00' 00" E	1100.00
12	66.00	35.00	N 60° 00' 00" E	1100.00
13	66.00	35.00	N 60° 00' 00" E	1100.00
14	66.00	35.00	N 60° 00' 00" E	1100.00
15	66.00	35.00	N 60° 00' 00" E	1100.00
16	66.00	35.00	N 60° 00' 00" E	1100.00
17	66.00	35.00	N 60° 00' 00" E	1100.00
18	66.00	35.00	N 60° 00' 00" E	1100.00
19	66.00	35.00	N 60° 00' 00" E	1100.00
20	66.00	35.00	N 60° 00' 00" E	1100.00
21	66.00	35.00	N 60° 00' 00" E	1100.00
22	66.00	35.00	N 60° 00' 00" E	1100.00
23	66.00	35.00	N 60° 00' 00" E	1100.00
24	66.00	35.00	N 60° 00' 00" E	1100.00
25	66.00	35.00	N 60° 00' 00" E	1100.00
26	66.00	35.00	N 60° 00' 00" E	1100.00
27	66.00	35.00	N 60° 00' 00" E	1100.00
28	66.00	35.00	N 60° 00' 00" E	1100.00
29	66.00	35.00	N 60° 00' 00" E	1100.00
30	66.00	35.00	N 60° 00' 00" E	1100.00
31	66.00	35.00	N 60° 00' 00" E	1100.00
32	66.00	35.00	N 60° 00' 00" E	1100.00
33	66.00	35.00	N 60° 00' 00" E	1100.00
34	66.00	35.00	N 60° 00' 00" E	1100.00
35	66.00	35.00	N 60° 00' 00" E	1100.00
36	66.00	35.00	N 60° 00' 00" E	1100.00
37	66.00	35.00	N 60° 00' 00" E	1100.00
38	66.00	35.00	N 60° 00' 00" E	1100.00
39	66.00	35.00	N 60° 00' 00" E	1100.00
40	66.00	35.00	N 60° 00' 00" E	1100.00
41	66.00	35.00	N 60° 00' 00" E	1100.00
42	66.00	35.00	N 60° 00' 00" E	1100.00
43	66.00	35.00	N 60° 00' 00" E	1100.00
44	66.00	35.00	N 60° 00' 00" E	1100.00
45	66.00	35.00	N 60° 00' 00" E	1100.00
46	66.00	35.00	N 60° 00' 00" E	1100.00
47	66.00	35.00	N 60° 00' 00" E	1100.00
48	66.00	35.00	N 60° 00' 00" E	1100.00
49	66.00	35.00	N 60° 00' 00" E	1100.00
50	66.00	35.00	N 60° 00' 00" E	1100.00
51	66.00	35.00	N 60° 00' 00" E	1100.00
52	66.00	35.00	N 60° 00' 00" E	1100.00
53	66.00	35.00	N 60° 00' 00" E	1100.00
54	66.00	35.00	N 60° 00' 00" E	1100.00
55	66.00	35.00	N 60° 00' 00" E	1100.00
56	66.00	35.00	N 60° 00' 00" E	1100.00
57	66.00	35.00	N 60° 00' 00" E	1100.00
58	66.00	35.00	N 60° 00' 00" E	1100.00
59	66.00	35.00	N 60° 00' 00" E	1100.00
60	66.00	35.00	N 60° 00' 00" E	1100.00
61	66.00	35.00	N 60° 00' 00" E	1100.00
62	66.00	35.00	N 60° 00' 00" E	1100.00
63	66.00	35.00	N 60° 00' 00" E	1100.00
64	66.00	35.00	N 60° 00' 00" E	1100.00
65	66.00	35.00	N 60° 00' 00" E	1100.00
66	66.00	35.00	N 60° 00' 00" E	1100.00
67	66.00	35.00	N 60° 00' 00" E	1100.00
68	66.00	35.00	N 60° 00' 00" E	1100.00
69	66.00	35.00	N 60° 00' 00" E	1100.00
70	66.00	35.00	N 60° 00' 00" E	1100.00
71	66.00	35.00	N 60° 00' 00" E	1100.00
72	66.00	35.00	N 60° 00' 00" E	1100.00
73	66.00	35.00	N 60° 00' 00" E	1100.00
74	66.00	35.00	N 60° 00' 00" E	1100.00
75	66.00	35.00	N 60° 00' 00" E	1100.00
76	66.00	35.00	N 60° 00' 00" E	1100.00
77	66.00	35.00	N 60° 00' 00" E	1100.00
78	66.00	35.00	N 60° 00' 00" E	1100.00
79	66.00	35.00	N 60° 00' 00" E	1100.00
80	66.00	35.00	N 60° 00' 00" E	1100.00
81	66.00	35.00	N 60° 00' 00" E	1100.00
82	66.00	35.00	N 60° 00' 00" E	1100.00
83	66.00	35.00	N 60° 00' 00" E	1100.00
84	66.00	35.00	N 60° 00' 00" E	1100.00
85	66.00	35.00	N 60° 00' 00" E	1100.00
86	66.00	35.00	N 60° 00' 00" E	1100.00
87	66.00	35.00	N 60° 00' 00" E	1100.00
88	66.00	35.00	N 60° 00' 00" E	1100.00
89	66.00	35.00	N 60° 00' 00" E	1100.00
90	66.00	35.00	N 60° 00' 00" E	1100.00
91	66.00	35.00	N 60° 00' 00" E	1100.00
92	66.00	35.00	N 60° 00' 00" E	1100.00
93	66.00	35.00	N 60° 00' 00" E	1100.00
94	66.00	35.00	N 60° 00' 00" E	1100.00
95	66.00	35.00	N 60° 00' 00" E	1100.00
96	66.00	35.00	N 60° 00' 00" E	1100.00
97	66.00	35.00	N 60° 00' 00" E	1100.00
98	66.00	35.00	N 60° 00' 00" E	1100.00
99	66.00	35.00	N 60° 00' 00" E	1100.00
100	66.00	35.00	N 60° 00' 00" E	1100.00

NOTES:
 1. THIS PLAN IS SUBJECT TO THE ZONING BY-LAW IN EFFECT AT THE DATE OF REGISTRATION.
 2. THE DISTRICT OFFICIALS HAVE REVIEWED THIS PLAN AND IT IS IN ACCORDANCE WITH THE ZONING BY-LAW.
 3. THE DISTRICT OFFICIALS HAVE REVIEWED THIS PLAN AND IT IS IN ACCORDANCE WITH THE ZONING BY-LAW.

PLAN OF SUBDIVISION OF PART OF LOT 1 and 2 REGD PLAN 357 AND PART OF LOT 10 CONCESSION 1 N.D.S. TOWN OF MISSISSAUGA COUNTY OF PEEL.

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 28737 V.S. hereby consent to the registration of this plan.

Alton Shields, Helen Tomphey, Helen Tomphey Smith, WILSON SAMUEL WILSTRAE-SMITH

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 28736 V.S. hereby consent to the registration of this plan.

Alton Shields, Helen Tomphey, Helen Tomphey Smith, WILSON SAMUEL WILSTRAE-SMITH

AFFIDAVIT OF WITNESS TO MORTGAGEES CONSENT.

I, ALTON SHIELDS of the County of Peel in the Province of Ontario, do hereby make oath and say that I was personally present and did see the mortgagees consent to this plan signed by Helen Tomphey, Helen Tomphey Smith, Clarence Ciesler, Nick Kobal, Anne Kobal, Francis Kayfetz.

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 114676 assigned by No. 161411 hereby consent to the registration of this plan.

Alton Shields, Lillian Stanfield, LILLIAN STANFIELD

CONSENT OF MORTGAGEE.

The mortgagee under the mortgage registered as No. 23826 V.S. assigned by No. 23077 V.S. hereby consent to the registration of this plan.

Alton Shields, Frances Kayfetz, FRANCES KAYFETZ

AFFIDAVIT OF WITNESS TO MORTGAGEES CONSENT.

I, ALTON SHIELDS of the County of Peel in the Province of Ontario, do hereby make oath and say that I was personally present and did see the mortgagees consent to this plan signed by Helen Tomphey, Helen Tomphey Smith, Clarence Ciesler, Nick Kobal, Anne Kobal, Francis Kayfetz.

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 153865 hereby consent to the registration of this plan.

Alton Shields, LENDERT LEHNHEER, LENDERT LEHNHEER

AFFIDAVIT AS TO AGE.

We, Alexander Tomphey and Helen Tomphey make oath and say that at the time of execution of this plan we were of the full age of twenty-one years.

CONSENT OF MORTGAGEE.

The mortgagee under the mortgage registered as No. 38263 V.S. hereby consent to the registration of this plan.

Alton Shields, Frank Amendola, FRANK AMENDOLA

COMMISSIONER.

Sworn before me at the City of Toronto County of Peel this 22nd day of November, 1967.

OWNERS CERTIFICATE.

IN THIS IS TO CERTIFY THAT:

- 1. Blocks A to Z both inclusive, the streets named Runnells Drive, Runnells Road, Grange Road, Burnhamthorpe Road, Cedar Creek Drive and lots 1 to 10 both inclusive plus reserves have been laid out in accordance with the instructions. 2. The sheets are hereby dedicated as public highways together with blocks A to Z and lots 1 to 10.

FIELD NOTES.

DATED AT TORONTO THIS 22nd DAY OF NOVEMBER, 1967. Robert P. Leeper, ONTARIO LAND SURVEYOR.

SURVEYORS CERTIFICATE.

- 1. Robert P. Leeper, an Ontario Land Surveyor, Certifies that: a) I was present and did personally supervise the survey represented by this plan. b) This plan accurately shows the manner in which the lands (red or red) have been subdivided by me. c) Every angle of the corner boundary of the plan is shown in the survey by monument and a monument at the angle of each street intersection shown on the plan. d) I have indicated on this plan the position and form of each of the monuments. e) The monuments conform in all respects to the requirements of the survey act. f) The survey was made by me between the 24th day of October, 1967 and the 28th day of November, 1967. g) The survey has been accurately made in accordance with all the provisions of the survey act and the registry act related thereto.

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 189326 hereby consent to the registration of this plan.

Alton Shields, Phil Edwards, PHIL EDWARDS

CONSENT OF MORTGAGEE.

The Mortgagee under the mortgage registered as No. 28004 V.S. hereby consent to the registration of this plan.

Alton Shields, Clarence Ciesler, CLARENCE CIESLER

DATED AT TORONTO.

THIS 22nd DAY OF NOVEMBER, 1967. Robert P. Leeper, ONTARIO LAND SURVEYOR.

AFFIDAVIT AS TO AGE.

I, Helen Stanfield, make oath and say that at the time of execution of this plan I was of the full age of twenty-one years.

COMMISSIONER.

Sworn before me at the City of Toronto County of Peel this 22nd day of November, 1967.

AFFIDAVIT OF WITNESS TO MORTGAGEES CONSENT.

I, ALTON SHIELDS of the County of Peel in the Province of Ontario, do hereby make oath and say that I was personally present and did see the mortgagees consent to this plan signed by Helen Tomphey, Helen Tomphey Smith, Clarence Ciesler, Nick Kobal, Anne Kobal, Francis Kayfetz.

COMMISSIONER.

Sworn before me at the City of Toronto County of Peel this 22nd day of November, 1967.

AFFIDAVIT AS TO AGE.

We, Helen Tomphey and Helen Tomphey Smith, make oath and say that at the time of execution of this plan we were of the full age of twenty-one years.

COMMISSIONER.

Sworn before me at the City of Peel County of Peel this 22nd day of November, 1967.

AFFIDAVIT AS TO AGE.

I, Robert P. Leeper, do hereby make oath and say that at the time of execution of this plan I was of the full age of twenty-one years.

COMMISSIONER.

Sworn before me at the City of Toronto County of Peel this 22nd day of November, 1967.

AFFIDAVIT OF WITNESS TO MORTGAGEES CONSENT.

I, ALTON SHIELDS of the County of Peel in the Province of Ontario, do hereby make oath and say that I was personally present and did see the mortgagees consent to this plan signed by Helen Tomphey, Helen Tomphey Smith, Clarence Ciesler, Nick Kobal, Anne Kobal, Francis Kayfetz.

REGISTRARS CERTIFICATE. I Certify that the above is a true and correct copy of the original plan as registered in the Registry Office of the County of Peel on the 22nd day of November, 1967. No. 114676. REGISTERED.