

**\* MEDIA RELEASE \*\***

**Building Kingston's Future and the Frontenac Heritage Foundation Appeal Council Decision  
on 223 Princess Street**

Kingston—On Thursday, October 29, Building Kingston's Future Inc. and the Frontenac Heritage Foundation launched an appeal against the City of Kingston's recent approval of a 12-storey condominium building at 223 Princess Street.

"History is on our side," said Samantha King, President of Building Kingston's Future. "The Local Planning Appeal Tribunal (LPAT) has twice rejected a proposal by developer IN8 for a 16-storey building on the site, first at an eleven-day hearing, and then when the LPAT dismissed IN8's request for a review of the first decision," she added.

IN8 also appealed the LPAT's first decision on its 16-storey proposal to the Divisional Court.

On October 14, 2020, the Divisional Court found no errors-in-law in the LPAT decision which rejected the 16-storey building proposal. "The Divisional Court decision clearly supported our interpretation of the approved Official Plan, the Zoning By-Law and the Downtown and Harbour Architectural Guidelines", explained King.

On October 6th, 2020, despite the pending court decision, City Council received a staff report recommending a compromise of 12 storeys be approved. Included in the report was an incentive to Council that IN8 would abandon the Divisional Court appeal with Council's support for the 12-storey building proposal. It passed by an 8-5 vote. Despite its pledge, IN8 took no steps to abandon its appeal.

Eight days later, the Divisional Court rendered its landmark decision. "Why the rush to make a decision when the interpretation of the Official Plan and Zoning Bylaw was before the Courts?" asked Annette Burfoot, Secretary of Building Kingston's Future. "We understand that the Divisional Court decision is now law. We all felt we had no choice and filed an appeal to ensure that the Court decision is appropriately reflected in this 12-storey application."

Attached is the letter of appeal.

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October 29, 2020