

May 7, 2025

BY EMAIL: phc@toronto.ca

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Nancy Martins, Committee Administrator

Dear Members of Planning and Housing Committee,

**Re: PH21.1 – Decision Report - Official Plan Amendments to Align with Provincial
Legislative and Policy Changes Related to Employment Areas
- Proposed Official Plan Amendment 804
Woodbine Entertainment Group – 555 Rexdale Boulevard**

Introduction

Woodbine Entertainment Group (“WEG”) is the owner of the lands listed in Schedule A, collectively referred to as 555 Rexdale Boulevard in the City of Toronto (the “Woodbine Lands”). The Woodbine Lands are approximately 277 hectares (659 acres) in size and are generally bounded by Rexdale Boulevard to the north, Highway 27 to the east, Highway 427 to the west and the Metrolinx rail corridor to the south.

The Woodbine Lands currently contain the Woodbine Racetrack complex, and ancillary/associated uses including gaming, off-track wagering and various accessory buildings related to the racetrack operations, with extensive surface parking areas. The Woodbine Lands are also improved with an integrated entertainment complex along the Rexdale Boulevard frontage which includes a casino, a performance venue, hotel and associated parking structures. Additional retail/restaurant buildings are also under construction on the Woodbine Lands north of the Woodbine Racetrack grandstand building.

The Woodbine Lands are designated *Mixed Use Areas*, *Regeneration Areas*, *General Employment Areas* and *Core Employment Areas* in the City of Toronto Official Plan, and subject to a comprehensive planning framework which provides permissions for non-employment uses, including residential and other sensitive uses, through Site and Area Specific Policies (“SASPs”) 29, 296 and 896.

The purpose of this correspondence is to provide WEG’s comments on the City Planning Staff Report entitled “Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision Report”, dated April 23, 2025 (the “Final Report”). In the Final Report, City Planning staff have recommended approval of the City-initiated proposed Official Plan Amendment (“OPA”) 804, which would amend the Official Plan to remove office, retail and other commercial use permissions from *General Employment Areas* and *Core Employment Areas*. The Final Report and the proposed OPA 804 are intended to be considered by Planning and Housing Committee on May 8, 2025 as Item PH21.1.

Previous Official Plan Amendments 668 and 680

On behalf of WEG, our office provided comments to Planning and Housing Committee with respect to Official Plan Amendments (“OPAs”) 668 and 680 on July 4, 2023 and July 10, 2024, respectively. OPAs 668 and 680 were purported to bring the Official Plan into alignment with the provincial definition of “area of employment” in the *Planning Act*, as amended by the *Helping Homebuyers, Protecting Tenants Act* (“Bill 97”).

OPAs 668 and 680 were adopted by City Council and enacted by by-law on October 10, 2024. On October 18, 2024, Ontario Regulation 396/24 was filed, requiring approval of proposed OPAs 668 and 680 from the Minister of Municipal Affairs and Housing. While proposed OPA 804 seeks to repeal OPAs 668 and 680 upon coming into force, it intends to bring forward policies consistent with OPAs 668 and 680, as well as the identification of certain lands for removal from *Employment Areas*.

WEG supports the proposed repeal of OPA 668 and OPA 680. However, and for the same reasons provided in our previous correspondence, WEG remains concerned with City’s approach to *Employment Areas*, as further outlined below. It remains our submission that the well established Woodbine Racetrack complex, and associated operations on the Woodbine Lands, together with the in-force permissions for a broad range of commercial, office, and retail uses make the site an excellent candidate for removal from *Employment Areas* in keeping with both the Provincial direction and the redesignations to be granted to other sites by OPA 804 .

Concerns with Proposed Official Plan Amendment 804

Subsequent to the adoption of OPAs 668 and 680 on January 27, 2025, the Minister of Municipal Affairs and Housing modified and approved OPA 653, which redesignated portions of the Woodbine Lands from *General Employment Areas* and *Core Employment Areas* to *Mixed Use Areas* and *Regeneration Areas* via SASP 896. The remaining portions of the Woodbine Lands continue to be subject to the *General Employment Areas* and *Core Employment Areas* designations, and the provisions of SASPs 29 and 296.

Proposed OPA 804 has not addressed WEG’s previous concerns as it relates to the policy permissions for the Woodbine Lands and the interaction of OPAs 668 and 680, and now OPA 804, with SASPs 29 and 296. **The purpose of this correspondence is to reiterate those concerns and request a solution in keeping with OPA 804’s approach to other *Employment Area* sites that are no longer aligned with new policy direction and definitions in the Provincial Planning Statement 2024 (“PPS 2024”) and *Planning Act* .**

In our submission, the recommendations in the Decision Report and the proposed OPA 804 do not implement the clear intention of the new *Planning Act* definition of “area of employment” introduced by Bill 97. By expressly excluding institutional and commercial uses, including office uses, from the new statutory definition of “area of employment”, the intention of Bill 97 and the PPS 2024 are clear that these uses are not intended to be permitted in areas of employment and, that areas which contain such uses should no longer be considered as “areas of employment”.

Additionally, insufficient clarification has been provided with respect to the status of site and area specific policies, such as SASPs 29 and 296, which apply to portions of the Woodbine Lands and

provide for a range of additional commercial and other non-residential uses that would no longer be permitted pursuant to the policies to be amended by proposed OPA 804.

Proposed OPA 804 also does not provide sufficient clarity regarding the interpretation of “lawfully established” uses, and the permitted status of uses that may cease operations periodically. We acknowledge that City staff have suggested in the Decision Report that permitted uses may be considered “lawfully established”. This approach is inconsistent with the legal understanding that only uses lawfully existing as of the date of the approval would be considered as “lawfully established”. This lack of guidance results in confusion and uncertainty regarding the intended application of the proposed policies.

As a direct consequence of this regulatory uncertainty, the proposed OPA 804 places an undue burden on landowners to demonstrate “lawfully established” compliance and/or legal non-conforming status. Additionally, legal non-conforming status carries a significant burden to owners in terms of limitations on future replacement and financial requirements (i.e. mortgaging).

The lack of clarity in proposed OPA 804 also has significant repercussions for the existing planning permissions on the Woodbine Lands. This raises concerns regarding the planning policy status of the Woodbine Racetrack complex and associated operations, as well as permissions for a wide range of commercial, office and retail uses currently being developed on the Woodbine Lands through comprehensive planning exercises. These uses collectively contribute to realizing the overall Woodbine Community Plan and to the development of a world-class entertainment centre in the City of Toronto and the Rexdale community.

Following the approval of OPA 653, mixed use residential communities are planned for the northwest and southeast quadrants of the Woodbine Lands designated *Mixed Use Areas* and *Regeneration Areas*, adjacent to lands designated *General Employment Areas* and *Core Employment Areas*. In this context it is not appropriate, in our submission, to further restrict the permitted land uses on the Woodbine Lands through proposed OPA 804. Instead, the City should be providing clear policy direction that continues to encourage a wide range of office, retail and commercial uses, as well as industrial, manufacturing and small-scale warehousing uses that can be located adjacent to sensitive land uses without adverse effects as per PPS Policy 2.8.1.2.

Requested Solution

In other instances where former *Employment Areas* are no longer aligned with new policy direction and definitions in the PPS 2024 and *Planning Act* – such as the ConsumersNext and Don Mills Crossing areas - OPA 804 proposes to redesignate those sites from *General Employment Areas* to *Regeneration Areas*. Such a redesignation would also include a site-specific policy that permits all non-residential uses permitted within *General Employment Areas* and *Regeneration Areas* prior to adoption of a new or updated Secondary Plan/local area study.

In the context of these helpful precedents, and given the range of concerns noted above, WEG requests that the portions of the site within *Core* and *General Employment Areas* be redesignated as *Regeneration Areas*, with a site specific policy to maintain current land use permissions and policy direction under SASP 29 and SASP 296 as they exist today (including clarification that a Secondary Plan is not required to maintain these existing permissions).

This is not a request to broaden or change land use permissions or site-specific policies applicable to the Woodbine Lands. Rather, WEG seeks to clearly maintain and protect existing site-specific land use and policy permissions under SASP 29 and 296, which are no longer aligned with *Core* and *General Employment Area* land use designations under the proposed 804 (and related PPS 2024 and Planning Act policy direction for *Employment Areas*).

Conclusion

For the reasons above, it is our respectful submission that – in maintaining *Core* and *General Employment Area* land use designations on the Woodbine lands - the proposed OPA 804 continue to disregard the clear statutory intention of PPS 2024 and new *Planning Act* definition of “areas of employment”, which are no longer aligned with the existing and planned use of the Woodbine Lands under SASPs 29 and 296. Proposed OPA 804 will result in greater restriction on uses within currently designated *General Employment Areas* and *Core Employment Areas* on the site. Notwithstanding the attempt in proposed OPA 804 to recognize “lawfully established” uses, the proposed policies as drafted fail to appropriately accommodate existing permissions applicable to the Woodbine Lands through SASPs 29 and 296. This “lawfully established” approach would result in significant uncertainty and risk, placing an undue burden on Woodbine to successfully demonstrate “lawfully established” compliance and/or legal non-conforming status, unnecessarily complicating Woodbine’s continued operations and advancement of comprehensive planning to realize the development of a world-class entertainment centre.

As a result, it is our submission that the Woodbine Lands should properly be removed from *Employment Areas* along with the other lands identified for redesignation by proposed OPA 804. Such removal would acknowledge and maintain the current land use permissions on the Woodbine Lands through SASPs 29 and 296. We request an opportunity to discuss this redesignation and site-specific policy with City staff, to collaboratively reach an approach that clearly maintains existing site-specific policy and land use permissions.

Should you have any questions about the above, please do not hesitate to contact me, Chris Caverson, WEG’s Executive Vice President, Development (ccaverson@woodbine.com) or WEG’s planning consultant, Cyndi Rottenberg-Walker of Urban Strategies Inc (crottenbergwalker@urbanstrategies.com) .

Yours very truly,

AIRD & BERLIS LLP



Eileen P.K. Costello
EPKC/NM/gg

Schedule A

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1126 Queen's Plate Drive
1128 Queen's Plate Drive
1130 Queen's Plate Drive
1133 Queen's Plate Drive
1134 Queen's Plate Drive
1136 Queen's Plate Drive
1140 Queen's Plate Drive
1146 Queen's Plate Drive
555 Rexdale Boulevard
150 Dance Smartly Boulevard
160 Dance Smartly Boulevard
180 Dance Smartly Boulevard

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