

December 2, 2025

File No. 307998

BY EMAIL - phc@toronto.ca

Planning and Housing Committee

City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

ATTENTION: Nancy Martins, Committee Administrator, Planning And Housing Committee

Dear Members of Planning and Housing Committee:

**Re: Planning and Housing Committee Meeting 26, Item PH26.14 & PH26.14b
(Supplementary Report)
39 Wynford Drive – Notice of Intention to Designate a Property under Part IV,
Section 29 of the *Ontario Heritage Act***

Please be advised that Aird & Berlis LLP is counsel to 39 Wynford Inc. ("**Brookfield**"), the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the "**Property**"). We are writing in respect of Item PH26.14 and the supplementary report and recommendations included as PH26.14b.

Background

The Property is located at the southeast corner of Wynford Drive and Gervais Drive within the approved Aga Khan Park & Museum Major Transit Station Area ("**MTSA**") and is in close proximity to both the Aga Khan Park & Museum LRT Station and the Don Mills Station LRT Station on TTC Line 5, the latter of which will also connect to the future Ontario Line subway.

Through the most recent Municipal Comprehensive Review process, the Property was adopted by City Council and approved by the Minister of Municipal Affairs and Housing for conversion from *Employment Areas* to *Regeneration Areas* through Official Plan Amendment 653 and Site and Area Specific Policy 828 in order to permit residential redevelopment of the Property following completion of a local area study. That local area study, the Don Mills Regeneration Area Study (the "**Don Mills Study**"), is currently being undertaken by City Planning staff and an external consultant. The Don Mills Study is scheduled to bring forward area specific policies to North York Community Council and City Council by the Q1 of 2026.

Deferral of Proposed Designation and Coordination with Don Mills Study

On November 17, 2025, we wrote to the Toronto Preservation Board requesting a deferral of Item PB37.3 regarding the proposed designation of the Property. This deferral is necessary to allow the ongoing Don Mills Study to appropriately plan for a new mixed-use community to support residential intensification in close proximity to two future higher order transit stations. The deferral will provide sufficient time for Heritage staff and Brookfield to meaningfully discuss a potential designation through that study process, and to carefully consider how the Property can be best used in the future. In the interest of good planning and

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ensuring consistency across provincial and City objectives, consideration of any proposed designation of the Property must properly include consideration for the planned context of the Property and the outcomes of the Don Mills Study. A copy of our letter to the Toronto Preservation Board is included as Attachment "1" to this correspondence.

In order to facilitate the deferral, and to demonstrate Brookfield's commitment to working with Heritage staff through the Don Mills Study process, Brookfield voluntarily revoked the demolition permit (no. 25 222936 DEM 00 DM) for the Property, which was issued October 31st, 2025. On November 12, 2025, Toronto Building confirmed in writing that the demolition permit has been revoked. A copy of Toronto Building's "Notice of Revocation" is included as Attachment "2" to this correspondence.

A supplementary report dated December 1, 2025 from the Chief Planner and Executive Director, City Planning, and authored by the Senior Manager, Heritage Planning, has now been submitted in respect of this Item as PH26.14b (the "**Supplementary Report**"). The Supplementary Report updates the Committee regarding the voluntary revocation of the demolition permit for the Property, and provides alternative recommendations. The effect of Recommendation #2 is to defer consideration of the proposed designation until after the completion of the Don Mills Study. Brookfield is supportive of this alternative recommendation.

Brookfield is pleased to see staff's recognition of its good faith efforts in voluntarily revoking the demolition permit and the recommendation that any consideration of a proposed designation of the Property be deferred and coordinated with outcome of the ongoing study.

Finally, to ensure coordination between the planning outcome of the ongoing Don Mills Study and the consideration of any heritage designation for the Property, Brookfield suggests that an additional recommendation be added as follows:

"City Council requests the Senior Manager, Heritage Planning, consult with the owner of 39 Wynford Drive through the Don Mills Regeneration Area Study process regarding any proposed designation of that property under Part IV, Section 29 of the Ontario Heritage Act."

We wish to thank Heritage staff for their responsiveness to our earlier comments by facilitating a deferral of this matter until after the Don Mills Study through the alternative recommendations of the Supplementary Report. Brookfield and its consultants look forward to continuing to collaboratively engage with Planning and Heritage staff through the Don Mills Study process.

Yours truly,

AIRD & BERLIS LLP



Alexander J. Suriano

Encl.

cc: Client



Alexander J. Suriano
Direct: 437.880.6108
E-mail: asuriano@airdberlis.com

November 17, 2025

File No. 307998

BY EMAIL - heritageplanning@toronto.ca

City Planning Division, Heritage Planning

City Hall
100 Queen Street West
17th floor, East Tower
Toronto ON M5H 2N2

Dear Board Member:

**Re: Toronto Preservation Board Meeting 37, Item PB37.3
39 Wynford Drive – Objection to Notice of Intention to Designate a Property under
Part IV, Section 29 of the *Ontario Heritage Act* (Ward 16)**

Please be advised that Aird & Berlis LLP is counsel to 39 Wynford Inc. (“**Brookfield**”), the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the “**Property**”).

Background

The Property is located at the southeast corner of Wynford Drive and Gervais Drive within the approved Aga Khan Park & Museum Major Transit Station Area (“**MTSA**”) and is in close proximity to both the Aga Khan Park & Museum LRT Station and the Don Mills Station LRT Station on TTC Line 5, the latter of which will also connect to the future Ontario Line subway.

Through the most recent Municipal Comprehensive Review process, the Property was adopted by City Council and approved by the Minister of Municipal Affairs and Housing for conversion from *Employment Areas* to *Regeneration Areas* through Official Plan Amendment 653 and Site and Area Specific Policy 828 in order to permit residential redevelopment of the Property following completion of a local area study. That local area study, the Don Mills Regeneration Area Study (the “**Don Mills Study**”), is currently being undertaken by City Planning staff and an external consultant. The Don Mills Study is scheduled to bring forward area specific policies to North York Community Council and City Council by Q1 of 2026.

Concerns Regarding Designation Report

We are writing in regards to Item PB37.3 and the staff report dated October 28, 2025 from the Senior Manager, Heritage Planning (the “**Report**”) recommending designation of the Property under Part IV, Section 29 of the *Ontario Heritage Act*. Brookfield has not had sufficient time to fully review the Report and discuss its recommendations with Brookfield’s heritage consultants and Heritage staff, and requires additional time to do so.

Brookfield is concerned that in its current form, the description of the heritage attributes as proposed in the Report have the potential to conflict with the clear provincial and municipal planning policy direction that applies to the Property, given its prominent location within an approved MTSA, its close proximity to two

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future higher order transit stations, and the intention for the Don Mills Study area to be planned for a new mixed-use community supporting residential intensification and much-needed new housing.

In the interest of good planning and ensuring consistency across provincial and City objectives, consideration of this proposed designation of the Property must properly include the planned context of the Property and the outcomes of the Don Mills Study. As a result, proceeding with recommendations on this Item and the proposed designation is premature at this time.

Request to Defer Consideration of Item PB37.3

Given the short duration between the issuance of the Report, and the upcoming Toronto Preservation Board meeting, Brookfield has not had sufficient time to fully discuss the recommendations with Heritage staff, and whether such designation in its current form is appropriate for the Property.

As a result, we request that the Toronto Preservation Board receive the Report for information only and defer consideration of Item PB37.3 to provide Heritage staff and Brookfield a chance to meaningfully discuss the proposed designation and description of heritage attributes.

On its part, Brookfield is committed to working with Heritage staff and has already written to Toronto Buildings to voluntarily revoke the demolition permit (no. 25 222936 DEM 00 DM) for the Property, which was issued October 31st, 2025. Brookfield has also confirmed to Toronto Buildings that no work under that permit started on the Property. These good faith efforts demonstrate Brookfield's commitment to facilitate further discussions with staff on the proposed designation. In addition, the revocation of the demolition permit eliminates any urgency for Toronto Preservation Board to make any recommendation regarding the proposed designation of the Property at this time.

As such, we request that any consideration of the recommendation to designate the Property in Item PB37.3 be deferred at this time, and the Report be received for information only and/or referred back to the Senior Manager, Heritage Planning in order to allow Heritage staff and Brookfield an appropriate opportunity to consider and discuss the landowner's concerns with the proposed designation and description of the heritage attributes.

Brookfield looks forward to continuing to engage in meaningful consultation with Heritage staff about this proposed heritage designation.

Should Heritage staff have any questions or require clarification to the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



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Alexander J. Suriano
AJS/mb/al

cc: Client



Kamal Gogna
(Acting) Chief Building Official
and Executive Director

Toronto Building, Inspections Unit
NYCC
5100 Yonge St, 1st Floor
Toronto, Ontario M2N 5V7

Thomas Munroe
Manager, Inspections
Tel: 416-338-0850
E-Mail: Thomas.Munroe@toronto.ca

PRIESTLY DEMOLITION INC
C/O ANDREW CRISTINZIANO
3200 LLOYDTOWN-AURORA RD
KING ON L7B 0G3

By email: acristinziano@priestly.ca

NOTICE OF REVOCATION

November 25, 2025

Project Location: 39 Wynford Dr, Toronto, M3C 3K5
Permit No(s): 25 222936 DEM 00 DM
Permit Issued Date: October 31, 2025

The above-noted permit(s) have been revoked by the Chief Building Official on today's date pursuant to subsection 8(10)(e) of the *Building Code Act, 1992*, S.O. 1992, c.23 as amended, in response to the written request that they be revoked dated November 13th, 2025 and further to your confirmation that you do not intend to proceed with the work.

You may be entitled to a partial refund of the permit fees in accordance with Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code, Article 4, Section 363-4.11.

Upon revocation, any collected Development Charges, Park Levies and Educational Development Charges will be refunded to the payee under separate cover.

Thomas Munroe

Thomas Munroe
Manager, Inspections
Toronto Building Inspection



Kamal Gogna
(Acting) Chief Building Official
and Executive Director

Toronto Building, Inspections Unit
NYCC
5100 Yonge St, 1st Floor
Toronto, Ontario M2N 5V7

Thomas Munroe
Manager, Inspections
Tel: 416-338-0850
E-Mail: Thomas.Munroe@toronto.ca

39 WYNFORD INC
C/O BROOKFIELD GLOBAL INTEGRATED SOLUTIONS, PO BOX 4800
4175 14TH AVE
MARKHAM, ON L3R 0J2
CAN

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Toronto, Ontario M2N 5V7

Thomas Munroe
Manager, Inspections
Tel: 416-338-0850
E-Mail: Thomas.Munroe@toronto.ca

39 WYNFORD INC
181 BAY ST
TORONTO ON M5J 2T3

By email: herb.mah@brookfieldproperties.com

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