

June 22, 2026

Via E-Mail

Our File No.: 331944

City Council  
Toronto City Hall  
100 Queen Street West  
2nd Floor, West Tower  
Toronto ON M5H 2N2

Dear Mayor and Members of Council:

**Re: Liberty for All Regeneration Area Study – Final Report  
Item TE33.10 – City Council  
171 East Liberty Street**

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Aird & Berlis LLP acts for Lifetime Developments Inc., which owns the property municipally known as 171 East Liberty Street (the “**subject property**”). The subject property is located within the Liberty Village East precinct of the Liberty For All Study Area.

On May 27, 2026, our client’s land use planning consultant, Goldberg Group, filed comments on its behalf, raising a number of concerns regarding the proposed draft Official Plan Amendment 914 (“**OPA 914**”). A copy of those submissions are enclosed.

We have reviewed the Staff Report for Action for the Liberty for All Regeneration Area Study – Final Report dated May 11, 2026 and draft OPA 914, and have the following additional comments.

### **Land Use**

Draft Policies 2.2-2.4 explicitly or by reference establish non-residential gross floor area (“**GFA**”) requirements for the Liberty Village West precinct, including the ability to off-set non-residential GFA requirements with the provision of additional affordable housing or community services and facilities. There is no corresponding policy applicable to the Liberty Village East precinct. In our submission, a policy should be added to this section that contemplates similar flexibility for non-residential GFA in the Liberty Village East precinct.

Policy 2.5, which increases the minimum requirement for non-residential GFA to 20% once the Ontario Line is fully operational to Exhibition Station, appears to apply to both the Liberty Village East and West precincts. We are concerned about this policy as it is unclear if the completion of the Ontario Line will in fact support such an increase. As drafted, there would be no opportunity for relief from the minimum 20% non-residential GFA for properties located in the Liberty Village East precinct, which will disincentivize development in the current, challenged market.

## **Housing**

Proposed Policy 3.1 requiring 40% of two- and three-bedroom units in new development containing more than 80 new residential units far exceeds the housing policy standards established in the City, without justification. Policy 3.1 should be revised to reflect the Growing Up Guidelines and the standards in other secondary plans in the City, which contemplate a minimum of 15% two-bedroom units and 10% three-bedroom units.

## **Public Realm and Midblock Connections**

In our submission, policy language should be added to Section 5 of OPA 914 to clarify that the locations of the existing or potential public realm features shown on Map 4 are general and that the exact location of these features should be evaluated and determined in conjunction with any site specific development applications. Some degree of flexibility in the location of these public realm enhancements will allow for higher quality and more thoughtful building design.

Proposed Policy 5.3.4 requires that midblock connections on or adjacent to heritage properties be designed to conserve the cultural heritage value, attributes and integrity of the property and to maintain the industrial character of the area. This policy should be revised to include the modifier “where appropriate” in order to allow some flexibility in the redevelopment of sites that are already constrained by the need to accommodate or address heritage resources.

## **Heritage and Views**

We have reviewed the Liberty Village Historic Context Statement, which identifies a number of themes related to the area’s historical development. The proposed heritage policies under Section 8 and Map 8 refer to the Liberty Village Cultural Heritage Landscape and its defining features, including smokestacks and chimneys, rail spurs, rail car stops, courtyards and built heritage features.

We note that Policy 8.1 contains a typo: it refers to Map 7 and should refer to Map 8.

The Liberty Village Cultural Heritage Landscape has not been proposed for designation as a Heritage Conservation District under the Ontario Heritage Act (“OHA”) nor to be Listed on the City’s Heritage Register. Either would give rise to a statutory process and specific criteria for evaluating the cultural heritage value or interest of the area, including a process for testing the City’s heritage evaluation.

The City itself has indicated in non-policy language in its Official Plan that it will establish a citywide guideline for identifying and evaluating potential cultural heritage landscapes prior to including the cultural heritage landscapes on the Heritage Register or designating them under the OHA. The City does not currently have any citywide guidelines for evaluating cultural heritage landscapes. This is problematic because of proposed Policy 8.3, which requires new development to “enhance the heritage character of the cultural heritage landscape”. However, proposed OPA 914 and the Liberty Village Historic Context Statement lack a clear definition of the heritage character of the cultural heritage landscape.

We are also concerned about proposed Policy 8.2, which appears to mandate conservation of the three-dimensional integrity of heritage resources. Such restrictive policy language fails to properly account for the range of appropriate approaches to conserving heritage properties. We ask that the City revise proposed Policy 8.2 to reflect the approach taken in policy 3.1.6.27 of the Official Plan, where the conservation of substantial portions of building “is desirable and encouraged” “where it is supported by the cultural heritage values and attributes of a property”.

Proposed Policy 5.4.1 identifies a number of “existing significant views” that “contribute to Liberty Village’s sense of place”. Clause 5.4.1(e) identifies the west elevation of the building on the subject property. The policy states that these views “should be considered in development and, where possible, enhanced”. It is unclear what is meant by “enhancing” this view. Moreover, the effect of this view policy is to require the conservation *in situ* of the west elevation of the building on the subject property, without the benefit of a full heritage evaluation of the property.

Thank you for the opportunity to provide these comments. We appreciate the positive discussions on this matter to date and look forward to continued collaboration with staff on our client’s future site specific applications.

Should you have any questions, do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



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Cc: Client  
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May 27, 2026

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**Re: TE33.10 – Liberty For All Regeneration Area Study – Final Report  
Comments on behalf of 171 East Liberty Street**

## **1.0. Introduction and Background**

We are writing on behalf of the owners of the property municipally known as 171 East Liberty Street (the “subject site”). This correspondence is in response to the proposed policies for the Liberty For All Regeneration Areas Study and proposed Official Plan Amendment 914, seeking to amend the Garrison Common North Secondary Plan.

As an initial comment, this is our first opportunity to comment on the specific language of a proposed policy/amendment document. As our comments below indicate, our client has continued concern for some focussed policies and would appreciate the opportunity to discuss these with City staff before this document is further considered and adopted by City Council. Based on our comments below, we request on our client’s behalf, that this document be deferred and sent back to City staff to enable further collaboration on the policies language with the landowners.

The subject site is located within the eastern portion of Liberty Village and was redesignated from *Core Employment Areas* to *Mixed Use Areas* through Official Plan Amendment 653 (“OPA 653”). OPA 653 amended the Garrison Common North Secondary Plan by introducing Site and Area Specific Policy 10 (“SASP 10”) relating solely to the subject site, which was approved with modifications by the Minister of Municipal Affairs and Housing on September 2, 2025.

Our client is currently in the process of developing an amendment/redevelopment application which we expect will be filed later this year. Through the site-specific application our client’s built form and land use proposal will be more precisely set out.

The comments provided below are preliminary in nature, and additional comments may be submitted as this matter progresses.

**Policies 2.2 – 2.7** – Policies 2.2–2.7 establish the non-residential gross floor area requirements for the Liberty Village West part of the amendment area however, these policies do not currently apply to the Liberty Village East area, which includes the subject site. In our opinion, a policy should be added to OPA 914 addressing non-residential gross floor area requirements for the

Liberty Village East area and/or the subject site, with similar flexibility for non-residential gross floor area.

The requested relief is supported by the City's Office Needs Study and the Liberty Village Economic Development Study prepared by N. Barry Lyon Consultants Ltd. that concludes:

“Relaxing the non-residential requirement could allow projects to advance, introducing new housing and jobs, whereas the current policy framework may sterilize new development for some time without further intervention. Recalibrating the policy balance for non-residential and residential development may allow for broader planning objectives to be achieved for this planned major transit station area.”

To this end, flexibility in office replacement and non-residential requirements for Liberty Village West should apply equally to Liberty Village East.

We also note that there is an inconsistency in proposed OPA 914, which speaks to 'non-residential' GFA and SASP 10, which addresses 'employment' uses. This inconsistency should be addressed in order to avoid any confusion in the application of the policies.

We anticipate that discussions will continue with City Staff through the site specific application process regarding the appropriate type and amount of non-residential floor area required for the subject site, which may differ from the standards currently set out in SASP 10 and draft Policy 2.2.

**Policy 3.1** - This housing policy increases the policy standard already established in other secondary plan areas of the City, including the Downtown and Yonge-Eglinton Secondary Plan areas, without justification. We request the removal of the overall 40% requirement and the addition of the following language, which has been included in the above-noted secondary plans:

- a) An additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

This additional language provides the necessary flexibility for unit distribution to respond to current market conditions and, ultimately, allows for the delivery of new units.

**Policies 5.3.4** – Proposed policy 5.3.4 of OPA 914 should be revised to note “where appropriate”. Comments related to heritage policies are set out below and apply to this draft policy.

**Policies 5.4.1e) and 8** – Proposed policy 5.4.1e) of OPA 914 protects a view of the western façade of the building on the subject site. Proposed section 8 establishes heritage policies that would apply to the subject site given that it is identified as a Built Heritage Feature on Map 8.

SASP 10 contemplates the retention and conservation of the building located on the subject site, which is listed in the City’s Heritage Register, however, the property has not been designated under the Ontario Heritage Act (the “OHA”).

We are concerned that the Liberty Village Cultural Heritage Resource Assessment and related policies in section 8 inappropriately function as a *de facto* Heritage Conservation District study and plan, without the due process and statutory requirements under the OHA (for example, under O. Reg. 9/06, at least 25% of the properties within the Liberty Village Cultural Landscape must meet criteria establishing cultural heritage value or interest to warrant protection as a Heritage Conservation District). We are also concerned that section 8 seeks to regulate “heritage properties” that have not been designated – and therefore not tested through the related statutory process for designation – under either Part IV or Part V of the OHA.

By circumventing the statutory processes in the OHA for designation of either a district or individual properties, the policies in section 8 are vague and risk misapplication. For example, proposed policy 8.3 requires development to “enhance the heritage character of the cultural heritage landscape”, but the “heritage character” of the area remains amorphous and undefined.

### 3.0 Conclusion

In our opinion, adoption of Official Plan Amendment 914 would be premature at this time, as further consultation between landowners and City Staff is warranted regarding the draft policies. We would be pleased to meet with the staff to discuss our client’s plans for this site and its comments stated in this letter.

We also request notice of any upcoming report and/or meeting(s) concerning this topic area, and any decision regarding this matter. Please do not hesitate to contact the undersigned at ext. 2100 or Michelle Tiger at ext. 2102. Yours very truly,

### GOLDBERG GROUP



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Principal

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