

July 15, 2026

File No. 307998

**BY EMAIL -** [phc@toronto.ca](mailto:phc@toronto.ca)

**Planning and Housing Committee**

City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario  
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**ATTENTION:** Nancy Martins, Committee Administrator, Planning And Housing Committee

Dear Members of Planning and Housing Committee:

**Re: Planning and Housing Committee Meeting 32, Item PH32.14  
39 Wynford Drive – Notice of Intention to Designate a Property under Part  
IV, Section 29 of the Ontario Heritage Act**

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Please be advised that Aird & Berlis LLP is counsel to 39 Wynford Inc. (“**Brookfield**” or our “**Client**”), 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 PH32.14 and the report from Heritage Planning staff dated June 15, 2026 (the “**Staff Report**”).

For the reasons more specifically detailed below, we are writing to express our client’s significant concerns regarding the Staff Report’s recommendation to proceed with designation of the Property at this time because it is premature to do so in light of ongoing City-initiated and site-specific planning processes for the Property and the surrounding area. In addition, Brookfield’s heritage planning consultant, ERA Architects Inc. (“**ERA**”), have also identified fundamental concerns regarding the statement of significant and description of heritage attributes as proposed in the draft by-law.

**Background and Active Development Appeals and Applications for Property**

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.

The Property, along with the two adjacent sites at 15 Gervais Drive and 1200 Eglinton Avenue East, collectively comprise the “**Wynford Gervais Site**”. The Wynford Gervais Site has long been envisioned to be redeveloped as a transit-supportive, mixed-use complete community. The properties located within the Wynford Gervais Site are owned by three separate landowners who have been working collaboratively for a number of years to put forward a coordinated design for the lands. This vision is reflected in site-specific applications that were recently filed with the City on behalf of each landowner, including Brookfield, as discussed further below.

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 (“**SASP 828**”) in order to permit residential redevelopment of the Property following completion of a local area study.

The City has undertaken two City-initiated local area studies that include the Property: the first is known as the Wynford-Concorde Focused Area Study and the second is known as the Don Mills Regeneration Area Study (which proposes to amend SASP 828). The Wynford-Concorde Focused Area Study and the Don Mills Regeneration Area Study were recently adopted by City Council as Official Plan Amendment No. 902 (“**OPA 902**”) on May 21, 2026 and Official Plan Amendment No. 911 (“**OPA 911**”) on June 25, 2026, respectively. Brookfield, through its planning consultants, Bousfields Inc., have actively participated in both the Wynford-Concorde Focused Area Study and Don Mills Regeneration Area Study processes and have made various submissions to Staff and Council regarding OPA 902 and 911, including identifying concerns with the proposed heritage-related policies in OPA 911. As a result of these outstanding concerns, Brookfield has now appealed OPA 902 to the Ontario Land Tribunal (the “**Tribunal**” or “**OLT**”) and intends to appeal OPA 911 shortly. As a result OPA 902 and 911, including the heritage-related policies, are not in-force on the Property.

In addition to the City-initiated instruments identified above, our Client has submitted a site-specific Official Plan Amendment application (the “**OPA**”) to support the redevelopment of the Property. The site-specific OPA was deemed complete on June 3, 2026, and is known as municipal file no. 26 150475 NNY 16 OZ. It is currently being reviewed by City staff. The draft site-specific OPA proposes to redesignate the subject site from *Regeneration Areas* to *Mixed Use Areas*, which is also consistent with the proposed designation of the Property in the proposed OPA 911. The draft OPA also introduces a new SASP which provides a planning framework to guide the redevelopment of the subject site, and includes policies related to land use, public realm, built form, mobility and parks as well as heritage matters.

OPA 902, OPA 911, and the site-specific OPA remain live matters subject to OLT appeal or continued review by City staff.

### **Designation of Property Remains Premature and Should be Coordinated with Planning Instruments**

On November 17, 2025, we wrote to the Toronto Preservation Board requesting a deferral of Item PB37.3, which at that time had proposed designation of the Property. As our submission noted, the deferral was necessary to allow the ongoing local area studies applicable to the Property to be completed. As we noted at that time, the deferral was required to 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 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 those studies.

In order to facilitate the deferral, and to demonstrate Brookfield’s commitment to working with Heritage staff through the OPA 911 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.

On December 17, 2025, City Council considered amended recommendations put forward by Heritage Planning staff through a supplementary report and deferred consideration of the designation of the Property. Rather, Council listed the Property on the City's Heritage Register. Council further requested Heritage Planning to continue consulting with Brookfield regarding the proposed designation of the Property through the still ongoing OPA 911 process.

As noted above, OPA 911 as well as the site-specific OPA both contain heritage-related policies that will impact the application of any proposed heritage designation of the Property. Our Client has identified significant concerns with the heritage policies of OPA 911 (including proposed policies 9, 26, 27, 33, and 45) and their potential application, and the proposed heritage policies of their site-specific OPA remain under review by City staff. Neither OPA 911 nor the site-specific OPA are as of yet approved or in-force, and in the case of OPA 911 and its policies are anticipated to be the subject of a forthcoming OLT appeal by our Client.

Therefore, it remains premature to designate the Property at this time. As noted above, there remain central heritage policy issues relating to the heritage merits of the property that remain live and have not yet been resolved. In the interest of good planning, the question of designation – and the associated description of heritage attributes – should properly be coordinated and considered conjunction with OPA 911 and Brookfield's site-specific OPA, both of which are subject to ongoing planning processes.

### **Concerns Regarding Statement of Significance and Description of Heritage Attributes**

As noted earlier, our Client's heritage consultant ERA Architects Inc. has been actively engaging with Heritage Planning staff regarding this matter.

ERA prepared a Heritage Impact Assessment ("HIA") and Cultural Heritage Evaluation Report (dated April 22, 2026 and revised on June 1, 2026), which provided primary and secondary research on the Property and findings from visual inspections.

ERA disagrees with the Statement of Significance as provided in Attachment 1 of the Staff Report. For example, the heritage attributes identify the heritage resource as a four-storey building. The building was originally constructed in 1961 as a two-storey building to the design of Peter Dickinson. A later two-storey vertical addition was designed by Webb Zerafa Menkes Architects in 1967 following Peter Dickinson's death, which includes an incompatible fourth floor level of simplified form that varies from the others. ERA is of the opinion that the 1967 addition alters the original scale and proportions of the building and weakens the horizontal form as reflected in Peter Dickinson's original design. It is ERA's opinion that the attributes should focus on the original two-storey building, which better reflects Dickinson's elegant horizontal design and the specific context of the Don Mills area as it was originally conceived.

As a result, ERA is of the opinion that the designation of the Property is premature at this time. Furthermore, the attributes do not accurately reflect the cultural heritage value of the Property, and it would be more appropriate to consider the designation of the Property as part of the ongoing development discussions.

**Request to Defer Consideration of Heritage Designation of Property**

For the reasons outlined above, the proposed heritage designation of the Property is premature at this time and should properly be coordinated with the ongoing planning consideration of OPA 911 and Brookfield's site-specific OPA. Furthermore, as identified by ERA, the proposed Statement of Significant and description of the potential heritage attributes currently do not accurately reflect attributes of the building on the Property and require revision.

Brookfield and its planning and heritage consultants have consistently worked with Heritage staff and undertaken good faith efforts – including withdrawing its approved demolition permit – to facilitate further discussions with staff on the proposed designation. Brookfield intends to continue these discussions regarding the proposed designation and Statement of Significance, however, these discussions must be undertaken along with the ongoing consideration of the applicable heritage policies in OPA 911 and the site-specific OPA in order to ensure coordination of the instruments and to maintain principles of good planning.

As a result, we respectfully request that this Committee recommend the proposed designation be deferred and further consultation between Heritage Planning staff and the landowner occur within the context of the anticipated appeal of OPA 911 and the review of the site-specific OPA.

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

Yours truly,

AIRD & BERLIS LLP



Alexander J. Suriano

Encl.

cc: Client  
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