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City Clerk
Toronto and East York Community Council
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Toronto, ON, M5H 2N2
Email: teycc@toronto.ca

**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,

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Principal

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