



# BOUSFIELDS INC.

Project No. 25126-1

May 27, 2026

Toronto and East York Community Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Delivered via email to [teycc@toronto.ca](mailto:teycc@toronto.ca)

Dear Members of Community Council,

**Re: *Item TE33.10 – Toronto and East York Community Council (May 28, 2026)  
Proposed Official Plan Amendment No. 914  
Liberty For All Regeneration Area Study  
First Capital REIT***

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We are the planning consultants for First Capital REIT (“First Capital”) which through its subsidiaries, owns numerous properties throughout Liberty Village, including but not limited to 30 Hanna Avenue, 85 Hanna Avenue and 109 Atlantic Avenue.

On behalf of First Capital, we are writing to provide commentary on, and request revisions to, the proposed policies set out in draft Official Plan Amendment No. 914 (“OPA 914”) prepared through the Liberty For All Regeneration Area Study. While we are generally supportive of the overall policy directions supporting the creation of a complete community, we have comments and recommended revisions with respect to the draft policies related to: the delineation of Liberty Village “west” and “east”, non-residential space requirements, housing, midblock connections and heritage.

We appreciate the collaborative efforts made by City staff throughout the Liberty For All Regeneration Area Study process. Following our review of draft OPA 914, we respectfully request that Council consider adopting the recommended policy revisions outlined below; or defer adoption of the draft OPA to allow for such comments to be addressed through continued discussions with City staff.

## **Participation in the Liberty For All Regeneration Area Study Process**

We have been monitoring the Liberty For All Regeneration Area Study on behalf of First Capital since 2024. We attended two landowner meetings on March 12, 2025, and May 28, 2025, as well as two community consultation meetings on April 2, 2025, and November 18, 2025, respectfully.

In addition, we filed a comment letter on July 4, 2025, responding to the background material and preliminary policy directions provided by City staff at the time.

## **Comments on Draft Official Plan Amendment No. 914**

We have reviewed the policies set out in draft OPA 914 and offer the following comments:

### 1. Non-Residential Space / Delineation of Liberty Village “West” and “East”

Section 2.1 of draft OPA 914 speaks to the character of Liberty Village “East” and “West”, with Map 2: Precincts illustrating the boundary line between the two precincts aligned with Hanna Avenue. The boundary line would place First Capital’s property at 85 Hanna Avenue within Liberty Village East and the adjacent property at 109 Atlantic Avenue within Liberty Village West.

Liberty Village East is identified as being a mixed-use community that is predominantly residential with retail and other commercial and open space uses. Liberty Village West is identified as being a historic employment precinct that is envisioned to accommodate a mix of residential and employment uses.

Draft Policy 2.1 b) provides that development in Liberty Village West “should demonstrate that non-residential gross floor area is both maintained and enhanced...”, which suggests an intent for non-residential replacement. Moreover, Policy 2.2. sets out a minimum requirement for non-residential space for new development containing residential uses in Liberty Village West (i.e., 15% of total gross floor area). Policy 2.5 increases the requirement for non-residential gross floor area to 20% of total gross floor area following the Ontario Line being operational to Exhibition Station.

It is our understanding that the delineation of Liberty Village West on Map 2: Precincts, as well as the policy requirements for minimum non-residential gross floor area, were intended to align with the portions of Liberty Village that were redesignated to *Regeneration Areas* following the December 2023 Ontario Land Tribunal (“OLT”) settlement of Official Plan Amendment No. 231 (“OPA 231”). The OPA 231 settlement was the genesis for the Liberty For All Regeneration Area Study and affected the lands within Liberty Village located generally west of Hanna Avenue, but excluded the property at 109 Atlantic Avenue.

However, Map 2: Precincts has expanded the Liberty Village West delineation to include the property at 109 Atlantic Avenue, meaning that the non-residential gross floor area requirements noted above would apply. Given that 109 Atlantic Avenue was not part of the previous OLT settlement and the Liberty Village *Regeneration Area*, we request a modification to Map 2: Precincts to delineate 109 Atlantic Avenue as within Liberty Village East (see **Attachment 1**).

Importantly, the policy framework for 109 Atlantic Avenue was recently updated through approval of Official Plan Amendment No. 840 (“OPA 840”) by the Minister of

Municipal Affairs and Housing on April 10, 2026. In our opinion, draft OPA 914 should be revised to reflect the Minister's recent decision on, and modifications to, OPA 840, which redesignated 109 Atlantic Avenue (along with the adjacent property at 85 Hanna Avenue) from *General Employment Areas* to *Mixed Use Areas* without any requirements for affordable housing or replacement non-residential space for future mixed-use development. While City Council, at its meeting on October 8 and 9, 2025, included requirements for affordable housing and non-residential space for mixed-use development in OPA 840, the Minister's modifications removed such requirements but approved the redesignation of the lands to *Mixed Use Areas*. A copy of OPA 840, including the Minister's decision and modifications, is included as **Attachment 2**.

The relocation of 109 Atlantic Avenue from Liberty Village West to Liberty Village East would be consistent with the Minister's modifications to OPA 840 as the requirements for non-residential space for development in Liberty Village West would not apply.

## 2. Housing

We have concerns with respect to the proposed affordable housing requirements set out in draft Policies 3.4, 3.5 and 3.6. The draft policies are inconsistent with the inclusionary zoning framework that is applicable within Protected Major Transit Station Areas ("PMTSAs") across the City, including within the approved King-Liberty and the proposed Exhibition PMTSAs.

Pursuant to the *Planning Act* and O. Reg 232/18, as amended by O. Reg 54/25 and O. Reg 15/26 and in addition to the City of Toronto Official Plan and Zoning By-law 569-2013, inclusionary zoning already provides an existing framework to secure affordable housing within new residential/mixed-use development. In our opinion, the policies of draft OPA 914 that set out affordable housing requirements should be removed, or revised to refer to the inclusionary zoning framework.

In accordance with statutory requirements, the inclusionary zoning framework provides that inclusionary zoning affordable housing requirements only apply in PMTSAs; caps the amount of affordable housing that can be secured in new developments to 5 percent of total units or 5 percent of the total residential floor area; and limits the affordability period to a maximum of 25 years. Further, the Province has also paused inclusionary zoning requirements until July 1, 2027.

Should the City look to secure additional affordable housing beyond inclusionary zoning, an alternative policy requirement could be to direct the provision of in-kind Community Benefits Charge contributions towards the provision of affordable housing within Liberty Village.

### 3. Mid-Block Connections

With respect to Map 4: Public Realm Plan, we understand that City staff have carried over elements from the Liberty Village Public Realm Strategy. As per our previous comment letter (dated July 4, 2025), we have reviewed the existing conditions in Liberty Village and would request that the “existing mid-block connection” shown across the 30 Hanna Avenue property on Map 4: Public Realm Plan be removed or changed to a “future mid-block connection” given that the property is currently used as a privately owned commercial surface parking lot. There are no easements in place granting public access rights over the property.

It should be noted that on Map 5: Liberty Loop, the 30 Hanna Avenue property is shown as accommodating a “potential new mid-block connection”. Our recommended revisions to Map 4: Public Realm Plan would therefore be consistent with what’s illustrated for 30 Hanna Avenue on Map 5: Liberty Loop.

### 4. Heritage

Draft Policy 8.2 provides that development on or adjacent to heritage properties will require a site-specific approach that conserves their cultural value and achieves a contextually appropriate solution. However, it is unclear what is defined as a “heritage property” per the policy in this case, as Map 8: Cultural Heritage Landscape Map identifies buildings under a single categorization (i.e., “built heritage features”), regardless of whether a property is designated, listed or identified as having potential heritage value.

Based on the current policy language, it appears that anything identified as a “built heritage feature” on Map 8 will require conservation and assumes cultural heritage value. This is not aligned with Policy 3.1.6(22) of the Official Plan, which gives Council the opportunity to identify the potential heritage value of a property, but requires a Cultural Heritage Evaluation Report (“CHER”) to confirm the value. In this regard, we recommend that the policy language be revised to provide clarity on the process to determine the cultural heritage value of the properties identified on Map 8. In addition, we recommend that the policies be revised to distinguish properties already designated or listed on the Heritage Register.

With respect to the other features identified on Map 8 (i.e., smokestacks and chimneys, rail spurs, rail car stops and courtyards), the policy language found in Section 8 is unclear with respect to how these elements are intended to be preserved and/or integrated into new development. We would recommend the policy language in Section 8 more clearly refer to these elements.

Thank you for your consideration of these comments. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact the undersigned.

Yours very truly,

**Bousfields Inc.**

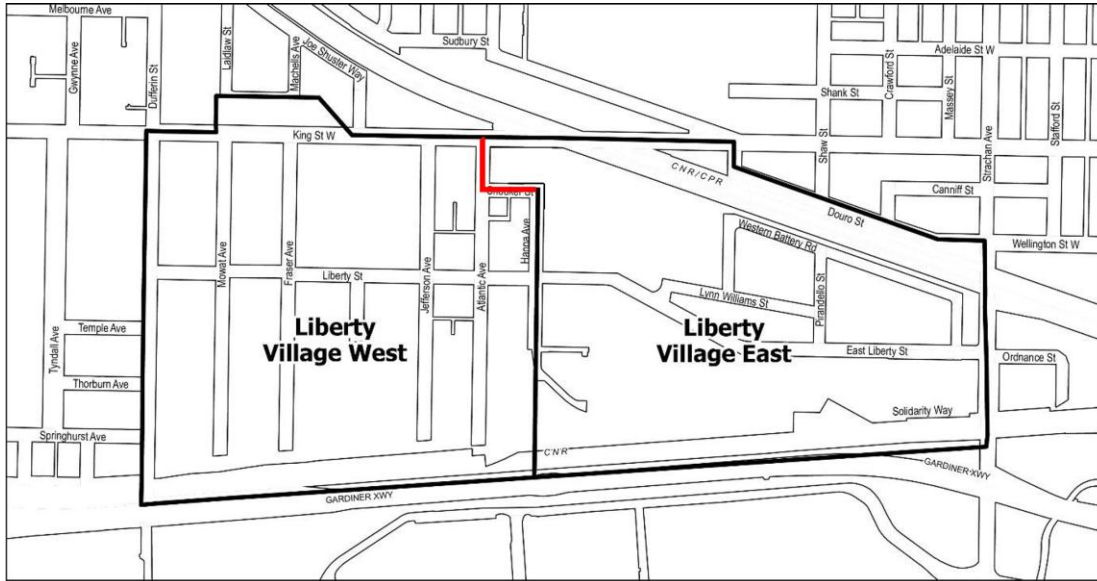


**Ryan Doherty, RPP, MCIP**  
Senior Associate


*cc: Joshua Butcher, First Capital REIT*  
*Anne Benedetti, Goodmans LLP*

# Attachment 1:

## Proposed Modification to Map 2: Precincts



Garrison Common North Secondary Plan  
Area 3  
MAP 2 - Precincts

 Study Boundary



Not to Scale  
05/04/2026

## **Attachment 2:**

Official Plan Amendment 840 + Minister's Decision

Authority: Planning and Housing Committee Item PH24.1,  
as adopted by City of Toronto Council on October 8 and 9,  
2025

City Council voted in favour of this by-law on October 9,  
2025

Written approval of this by-law was given by Mayoral  
Decision 13-2025 dated October 9, 2025

## **CITY OF TORONTO**

### **BY-LAW 1115-2025**

**To adopt Official Plan Amendment 840 for the City of Toronto respecting the lands known municipally in the year 2024, as 85 Hanna Avenue and 109 Atlantic Avenue.**

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to delineate and establish Protected Major Transit Station Areas; and

Whereas the Minister of Municipal Affairs and Housing has approved the King-Liberty Protected Major Transit Station Area pursuant to the Planning Act; and

Whereas authority is given to the Minister of Municipal Affairs and Housing under the Planning Act, to approve amendments to authorized uses of land in a Protected Major Transit Station Area pursuant to the Planning Act; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 840 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on October 9, 2025.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**AMENDMENT 840 TO THE OFFICIAL PLAN  
LANDS MUNICIPALLY KNOWN IN THE YEAR 2024, AS 85 HANNA AVENUE AND  
109 ATLANTIC AVENUE**

The Official Plan of the City of Toronto is amended as follows:

1. Map 18, Land Use Plan, is amended by re-designating the lands known municipally in the year 2024 as 85 Hanna Avenue and 109 Atlantic Avenue from *General Employment Areas* to *Mixed Use Areas*, as shown on the attached Appendix A.
2. Map 2, Urban Structure, is amended by removing the lands known municipally in the year 2024 as 85 Hanna Avenue and 109 Atlantic Avenue from *Employment Areas* and by adding the lands known municipally in the year 2024 as 85 Hanna Avenue and 109 Atlantic Avenue to *Avenues*.
3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 917 for lands known municipally in 2024 as 85 Hanna Avenue and 109 Atlantic Avenue, as follows:



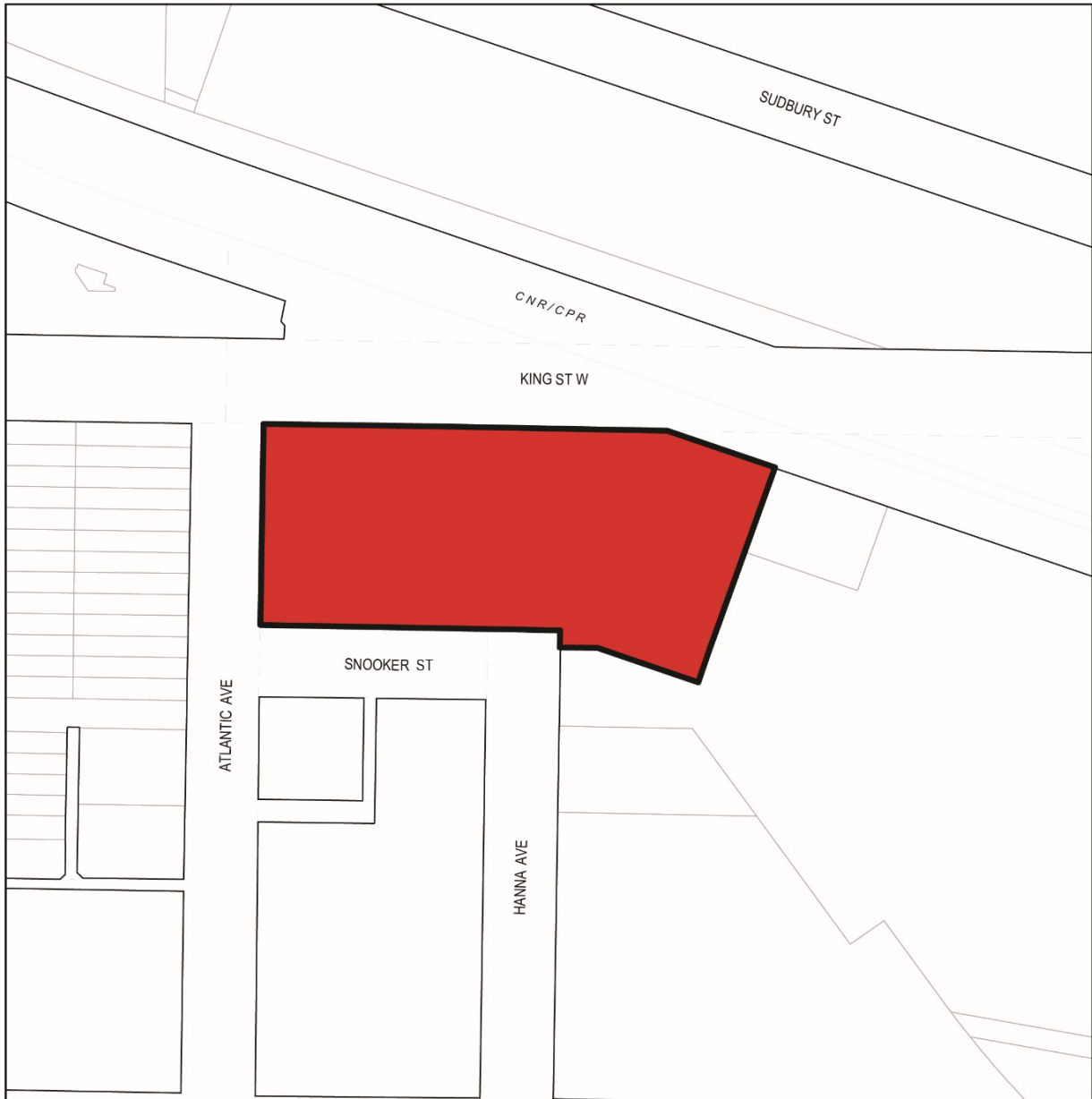
**85 Hanna Avenue and 109 Atlantic Avenue**

A mixed-use development containing residential uses is permitted provided that:

- a) A minimum of 15,277 square metres will be provided as non-residential gross floor area at full build out of all the lands.
- b) New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:

- i. If a condominium development is proposed, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;
  - ii. The affordable housing shall be secured at affordable rents for a period of at least 25 years from the date of the first residential occupancy of the unit; and
  - iii. The unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types, sizes and support the creation of affordable housing suitable for families.
- c) If a purpose-built rental development is proposed there is no requirement for affordable housing.
- d) The provision of affordable housing shall be secured through one or more agreements with the City.
- e) Conditions to be met prior to the adoption of the Zoning By-law Amendment shall include the following:
  - i. The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met; and
  - ii. The submission and acceptance of a Compatibility / Mitigation Study, to the satisfaction of the Chief Planner and Executive Director.

Appendix A



85 Hanna Avenue

Official Plan Amendment # 840

Proposed revisions to Land Use Map 18 to redesignate lands from General Employment Areas to Mixed Use Areas

File # 25 128398 STE 10 OZ

 Mixed Use Areas



Not to Scale  
08/29/2025

**DECISION**  
**With respect to the City of Toronto Official Plan Amendment 840**  
**Subsection 17(34) of the *Planning Act***

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I hereby approve the Official Plan Amendment 840 for the City of Toronto, as adopted by the Council for the City of Toronto by By-law 167-2025 subject to the following modifications:

1. 3. Chapter 7, Site and Area Specific Policy 917 for lands municipally known in 2024 as 85 Hanna Avenue and 109 Atlantic Avenue is deleted in its entirety.

Signed at Toronto this 10<sup>th</sup> day of APRIL 2026.



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Sean Fraser  
Assistant Deputy Minister  
Municipal Housing and Operations Division  
Ministry of Municipal Affairs and Housing