

May 10, 2024

BY EMAIL TO: PlanningConsultation@ontario.ca

Our File No. 306443

Attention: Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario
M7A 2J3

The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Calandra:

Re: ERO No. 019-8369
Review of Proposed *Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)*
Woodbine Entertainment Group
555 Rexdale Boulevard, City of Toronto

i. Introduction

Please be advised that Aird & Berlis LLP are counsel to Woodbine Entertainment Group (“**WEG**”), the owner of 555 Rexdale Boulevard in the City of Toronto (“**Woodbine Lands**”). The Woodbine Lands are approximately 277 hectares (684) acres in size and are generally bounded by Rexdale Boulevard to the north, Highway 27 to the east, Highway 427 to the west and the Metrolinx rail corridor to the south.

The Woodbine Lands currently contain the Woodbine Racetrack complex, and ancillary/associated uses including gaming, off-track wagering and various accessory buildings related to the racetrack operations, with extensive surface parking areas. An integrated entertainment complex is nearing completion on the Woodbine Lands along its Rexdale Boulevard frontage which includes a casino, a performance venue, hotel and associated parking structures.

The Woodbine Lands are subject to a comprehensive planning framework which provides permissions for non-employment uses, including residential and other sensitive uses. A master planning exercise initiated by WEG contemplates the comprehensive redevelopment of the Woodbine Lands to allow for the achievement of a mixed use community which could deliver more than 25,000 housing units and over 17,000 jobs.

This master planning exercise has been undertaken in the context of WEG's ongoing discussions with Metrolinx to ensure the timely delivery of a GO station, parking facilities and a bus hub within the Woodbine Lands. Ensuring that transit supportive densities – both residential and employment – are delivered in tandem with higher order transit is a cornerstone of the transit oriented and complete communities approach to planning, which WEG is actively working to facilitate for the Woodbine Lands.

On April 10, 2024, the Minister of Municipal Affairs and Housing the (the “**Minister**”) released Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185), which proposed to amend various sections of statutes including the *Planning Act, City of Toronto Act, 2006, Municipal Act, 2001, and Development Charges Act*. The Minister is seeking comments from the public with respect to Bill 185. The consultation process of Bill 185 is known ERO No. 019-8369.

ii. Request

Our primary concern with Bill 185 is the proposed elimination of third-party appeal rights, which would include appeals of municipally-initiated instruments. This is particularly a concern given the Woodbine Lands' unique development potential and approval processes.

Under the current drafting of Bill 185, given that WEG would not be a “specified person” as proposed to be defined, if WEG has legitimate concerns with an application advanced by a proponent of adjacent lands or by a municipally-initiated planning instrument and such concerns are ignored by a municipal approval authority, WEG will have no recourse. Without appropriate checks and balances, decisions could threaten the livelihood of its current operations and possible future redevelopments. The existence of third party appeal rights protect landowners and provide an option for adjudication by the Ontario Land Tribunal (“**OLT**”) where, for example, technical issues were improperly considered or not addressed during the processing of development applications. The proposed removal of third party appeal rights would have the unintended consequence of threatening this site's unique uses both current and future, while eroding the key foundation of Ontario's land use planning system as a system which is fair, open and accessible.

In short, Bill 185 as drafted would have the effect of insulating a wide range of municipal approvals from appeals and remove the OLT as a specialized forum to challenge such approvals. We submit that third party appeal rights must be maintained in the *Planning Act* to ensure due process to affected landowners. Accordingly, we ask that the Minister amend Bill 185 to maintain third party appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments.

iv. Conclusion

We thank you for the opportunity to provide comments on Bill 185.

WEG and its consultant team, including our office, would be pleased to provide any additional information or materials, or take part in any discussions, which may assist the Minister in the consultation process regarding Bill 185.

Yours truly,

Aird & Berlis LLP



Eileen P. K. Costello
EPKC/AJS/NM

cc: Client
Tyler Peck, WND Associates

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