

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 28, 2023

CASE NO(S).: OLT-22-004314

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant:	Hollis Dev LP
Subject:	Failure of Approval Authority to announce a decision respecting a Proposed Official Plan Amendment
Description:	To permit a 45-storey, 596 unit development
Reference Number:	21 177934 WET 05 OZ
Property Address:	11-23 Hollis Street
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-22-004314
OLT Lead Case No:	OLT-22-004314
OLT Case Name:	Hollis Dev LP v. Toronto (City.)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 45-storey, 596 unit development
Reference Number:	21 177934 WET 05 OZ
Property Address:	11-23 Hollis Street
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-22-004315
OLT Lead Case No:	OLT-22-004314

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 45-storey, 596 unit development
Reference Number:	21 177934 WET 05 OZ
Property Address:	11-23 Hollis Street
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-22-004316
OLT Lead Case No:	OLT-22-004314
OLT Case Name:	Hollis Dev LP v. Toronto (City.)

Heard: June 09, 2023 by video hearing

APPEARANCES:

Parties

Hollis Dev LP (“Applicant”)

City of Toronto (“City”)

Metrolinx

Counsel

Michael Foderick

Nathan Muscat

Katryna Vergis-Mayo

DECISION DELIVERED BY KURTIS SMITH AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This is a Settlement Hearing with respect to an Official Plan (“OPA”) and Zoning By-law (“ZBA”) Amendments by Hollis Dev LP (“Applicant”) pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”), for the property municipally known as 11-23 Hollis Street (“Subject Property”) in the City of Toronto (“City”).

[2] The Subject Property is approximately 2,302 square metres (“m²”) in size and is generally rectangular in shape and is currently occupied by single detached dwellings ranging between one-and-a-half and two storeys. The property has 48.7 metres (“m”) of frontage along Hollis Street, with a depth ranging from 42.6 m to 57.5 m, gradually increasing to the north as it approaches the rail corridor. Along the opposite side of the rail corridor is the Eglinton-Mount Dennis Station (“Transit Station”).

[3] The settlement proposal before the Tribunal is a creation of mediation and further dialogue between the Parties. Following the mediation session, which was held on February 6, 2023, the Applicant submitted the revised plans to the Tribunal on consent of all Parties, in order to significantly narrow the issues of the appeal. Subsequently to further discussions between the Parties, on March 15, 2023 the Applicant submitted a without prejudice settlement offer to the City.

[4] To support the settlement proposal, the sole witness called was Alex Savanyu, a land use planner who, upon review of his Curriculum Vitae and Acknowledgement of Expert’s Duty form, was qualified on consent by the Tribunal to provide opinion evidence in land use planning.

THE SETTLEMENT PROPOSAL

[5] Mr. Savanyu provided the Tribunal with a fulsome overview of the Settlement Proposal, which is found in Exhibit 1, page 8.

[6] The Settlement Proposal will redevelop the site with a 48-storey residential tower, approximately 156.05 m (including the mechanical penthouse) with a total gross floor area of 39,405 m². The building will be predominantly residential with the potential of minor non-residential components. Mr. Savanyu explained that given the building distance to the rail corridor, part of the north portion of the podium levels will be

unhabitable space and may be used for commercial uses (or other non-residential purposes).

[7] Included in the Settlement Proposal is the proper creation of the Hollis Street cul-de-sac which encroaches into the Subject Property. The aforementioned lands will be conveyed to the City unencumbered by the proposed underground parking levels.

[8] The Settlement Proposal includes a total of 588 units (studio, one, two, and three bedrooms), 102 vehicular parking spaces (of which nine are visitors) and 648 bicycle parking spaces.

PLANNING EVIDENCE

[9] Mr. Savanyu provided the Tribunal with oral and written evidence (Exhibit 1, page 10–26) to support his findings that the OPA and ZBA represent good planning, having regard to s. 2 of the Act, are consistent with the Provincial Policy Statement (“PPS”), conform to the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), the Metrolinx Regional Transportation Plan (“MRTP”), and conform to the City of Toronto Official Plan (“TOP”), and have appropriate regard for the Mount Dennis Secondary plan (“MDSP”), which is currently under appeal, concluding that “all of which support residential/mixed-use intensification on sites well served by municipal infrastructure, particularly high-order public transit.”

Planning Act

[10] It is the opinion of Mr. Savanyu that the OPA and ZBA have regard for applicable matters of provincial interest set out in s. 2 of the Act as the development will; provide a full range of housing (s. 2.j); that is well-designed and encourages a sense of place (s. 2.r); is in an appropriate location for growth and development (s. 2.p); which is designed to be sustainable, to support public transit and to be oriented to the

pedestrians (s. 2.q); and is orderly development of safe and healthy communities (s. 2.h).

Provincial Policy Statement

[11] Mr. Savanyu opined that the OPA and ZBA are consistent with the PPS. In particular, he stated that the policies promote efficient use of land and infrastructure, support a broader mix of uses to meet long-term needs, promoting a diverse range and mix of housing options and densities in a compact form, and support the use of active transportation and transit.

The Growth Plan for the Greater Golden Horseshoe

[12] As it relates to the Growth Plan, Mr. Savanyu stated that the Subject Property is within a strategic growth area as defined by the Growth Plan and is within a major transit station area, being that the Subject Property is abutting the Transit Station (which at this time is currently under construction) which is a higher order transit station, and will provide connections along the Eglinton Crosstown LRT, Kitchener GO Rail Line, and UP Express. It is the opinion of Mr. Savanyu that the Subject Property is an ideal location to accommodate significant intensification and will contribute to the creation of complete communities by providing new housing choices.

Metrolinx 2041 Regional Transportation Plan

[13] MRTP has identified the Transit Station as a Mobility Hub. Surrounding the hubs are zones, and the Subject Property is within the defined primary zone, which Mr. Savanyu explained “the land use consideration within the primary zone, encourages the highest intensity and greatest mix of uses” and being that the Subject Property is adjacent to Transit Station, the settlement proposal conforms to the direction of the MRTP.

City of Toronto Official Plan

[14] The Subject Property is designated as Mixed Use Areas and it is the opinion of Mr. Savanyu that the OPA and ZBA conform to the policies relating to such, as well as those related to growth management, built form and housing.

[15] Mr. Savanyu further opined that the final built form provides an adequate transition, separation and massing to lower rise areas, framing the edges of the street and provides an attractive, comfortable, and safe pedestrian environment.

[16] Mr. Savanyu provided a brief review of the Site and Area Specific Policies (“SASP”) that relate to the Subject Property, namely No. 43 and 53 (Exhibit 1, Page 19–20). The SASPs relate to the development of the built form of the site (No. 53) and the future alteration of Hollis Street (No 43). He summarized that the SASP are policies that were transferred to the TOP following the amalgamation with the former City of York. It is the opinion of Mr. Savanyu that the Settlement Proposal conforms to the related SASPs.

Mount Dennis Secondary Plan

[17] The Subject Property falls within the MDSP which is a City Council approved document that is currently under appeal (OPA 571). Mr. Savanyu stated that the OPA and ZBA has appropriate regard for the direction of the plan and generally aligns with the vision and proposed policies of same. Notably, policy 3.3.5 of the MDSP provides for mixed use growth area designations, lands that are within 500–800 m of the Transit Station will accommodate the majority of new growth.

[18] Moreover, policy 8.47.2 provides the direction that the tallest building be located closest to the tail corridor and the Transit Station. Mr. Savanyu states that “...of all the sites in the subject area this would seemingly be the site that would accommodate the greatest height” and densities.

Zoning By-law 569-2013

[19] The Subject Property is currently zoned CR 2.5 (c2.5; r2.5) SS2 (x2572), which in short is a Commercial Residential zone permitting a wide range of uses including offices, personal services shops, retail stores, eating establishments and take-out eating establishments, and a wide range of residential, including apartments, care homes and retirement homes.

[20] Mr. Savanyu explained that the settlement proposal generally conforms to the ZBL with the exception and reason for the ZBA, being the increased height, density, as well as revised development regulations to accommodate the proposal.

Urban Design Guidelines

[21] The Tall Building Design Guidelines recommend separation distances between towers, setbacks from property lines, and maximum residential tower floor plate sizes. Mr. Savanyu opined that the larger floor plate and setbacks are appropriate given the size and configuration of the Subject Property.

FINDINGS

[22] The Tribunal accepts the uncontested planning evidence and opinions of Mr. Savanyu and is satisfied that the OPA and ZBA represent good planning, having regard for matters of provincial interest, are consistent with the PPS, conform to the Growth Plan, MRTP, and TOP and have appropriate regard for the MDSP and Tall Buildings Guidelines.

ORDER

[23] **THE TRIBUNAL ORDERS THAT** the appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite

matters identified in paragraph 24 below, and the Official Plan and Zoning By-law Amendments set out in Attachment 1 to this Interim Order, are hereby approved in principle.

[24] The Tribunal will withhold the issuance of its Final Order contingent upon confirmation of the City Solicitor of the pre-requisite matters set out as follows:

- (a) the form and content of the Official Plan Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (b) the form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, and is also satisfactory to Metrolinx; the Owner has provided an updated Pedestrian Level Wind Study based on wind tunnel analysis with recommendations implemented as part of the amending Zoning By-law to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (c) the Owner has provided the updated Toronto Green Standard checklist with recommendations implemented as part of the amending Zoning By-law to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (d) the Owner has submitted revised drawings illustrating the conveyance of lands required for the cul-de-sac satisfactory to the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
- (e) the submitted Noise and Vibration Feasibility Study has been peer reviewed by a third-party Noise and Vibration Consultant retained by the City at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- (f) the submitted revised Rail Safety Assessment has been peer reviewed by a third-party retained by the City at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (g) the submitted revised Rail Safety Assessment is satisfactory to Metrolinx;
- (h) the Owner has submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- (i) the owner has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
- (j) the Owner has submitted a revised Transportation Impact Study, including an updated Parking and Loading Study and Transportation Demand Management strategy, Parking Justification, provision of all regular and accessible parking spaces and provision of the Type G loading space in accordance with the supply and dimensional requirements of Zoning By-law 569-2013 to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such study be secured, if required;

- (k) the Owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendments application, to the satisfaction of the General Manager of Parks, Forestry and Recreation; and,
- (l) the owner has withdrawn its appeal of the Mount Dennis Secondary Plan as it relates to the subject properties at 11-23 Hollis Street to the satisfaction of the City Solicitor.

[25] The Panel Member will remain seized for the purposes of reviewing and approving the final draft of the Official Plan and Zoning By-Law Amendment and the issuance of the Final Order.

[26] If the Parties do not submit the final drafts of the Zoning By-law Amendments, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph 24 above have been satisfied, and do not request the issuance of the Final Order, by **Friday, December 8, 2023**, the Applicant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Official Plan and Zoning By-law Amendments and issuance of the Final Order by the Tribunal. In the event the Tribunal fails to receive the required status report, and/or in the event the contingent pre-requisites are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the Appeal.

[27] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument(s), the satisfaction of the contingent pre-requisites and the issuance of the Final Order.

"Kurtis Smith"

KURTIS SMITH
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

DRAFT (2023-05-24)

on

CITY OF TORONTO

BY-LAW No. XXXX-20XX

To adopt Amendment No. XXX to the Official Plan of the City of Toronto with respect to
lands municipally known as 11-23 Hollis Street

WHEREAS authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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*;

1. The text and map attached to Amendment No. XXX is hereby adopted as an amendment to the Official Plan for the City of Toronto.

ENACTED AND PASSED this ____ day of _____, A.D. 20XX.

FRANCES NUNZIATA,
Speaker

JOHN D. ELVIDGE
City Clerk

(Corporate Seal)

DRAFT (2023-05-24)

AMENDMENT NO. XXX
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

The following text and map constitute Amendment No. XXX to the City of Toronto Official Plan.

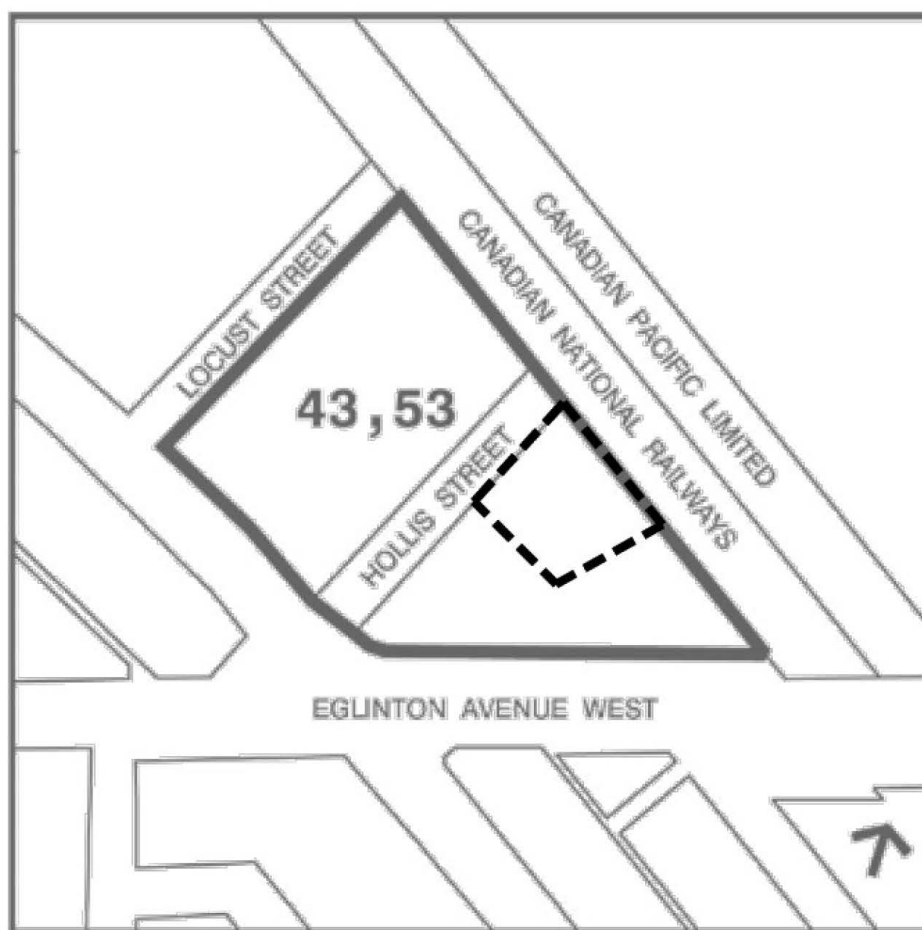
1. The Official Plan of the City of Toronto is amended as follows:

- (a) Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 43 for the lands municipally known in 2021 as 11, 13, 15, 17, 19, 21 and 23 Hollis Street, as follows by adding the following paragraph after “on the abutting lands may be considered.”: The lands known in 2022 as 11-23 Hollis Street, as outlined in dashed lines are exempt.
- (b) Chapter 7, Site and Area Specific Policies, is amended by amending the Map in SASP 43, as shown in Schedule A.

DRAFT (2023-05-24)

City of Toronto By-law No. XXXX-20XX

Schedule A



Draft Zoning By-law Amendment (May 26, 2023)

Authority: Etobicoke York Community Council Item ##, as adopted by City of Toronto Council on ~, 2023

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2023

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 11, 13, 15, 17, 19, 21, and 23 Hollis Street.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; 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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Except as otherwise provided herein, the provisions of Zoning By-law No. 569-2013 shall continue to apply to the lot.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands subject to this By-law from a zone label of CR 2.5 (c2.5; r2.5) SS2 (x2572) to a zone label of CR 2.5 (c2.5; r2.5) SS2 (x####), as shown on Diagram 2 of this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [####] so that it reads:

(####) Exception CR ####

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands municipally known as 11, 13, 15, 17, 19, 21 and 23 Hollis Street, as shown on Diagram 1 of By-law [Clerks to insert By-law ##], a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (R) below:
- (B) Despite Regulation 40.10.40.40(1), the maximum total **gross floor area** of all **buildings** and structures permitted on the lands outlined in heavy black lines on Diagram 1 of By-law [Clerks to insert By-law ##] must not exceed 40,000 square metres;
- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the distance between Canadian Geodetic Datum of 124.5 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the “HT” symbol in metres, as shown on Diagram 3 of By-law [Clerks to insert By-law Number];
- (E) Despite Regulation (D) above and Regulations 40.5.40.10(4), (6) and (7), the following **building** elements may project above the permitted maximum height:
 - (i) window washing equipment and lightening rods;
 - (ii) structures and elements related to outdoor flooring and roofing assembly features by a maximum of 0.5 metres;
 - (iii) railings, guard rails, parapets, elements of a **green roof**, terrace walls, patios, planters, platforms, balustrades, bollards, ladders, ancillary structures, retaining walls, wheelchair ramps and ornamental features by a maximum of 2.0 metres;
 - (iv) landscape features, trellises, privacy and decorative screens, terrace dividers, exterior stairs and fences by a maximum of 3.0 metres;
 - (v) **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety, wind protection or noise mitigation by a maximum of 3.0 metres;

- (vi) elements used for the functional operation of the building, including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, water supply facilities, safety elements, chimneys, pipes, vents, shafts, elevators, elevator machine rooms, cooling equipment, solar panels, parapets and a **green roof** on top of the mechanical penthouse enclosure and related structural, mechanical, enclosure and screening elements by a maximum of 6.5 metres;
- (F) Regulations 40.5.40.10(5) and 40.5.40.10(8), with respect to elements used for the functional operation of a **building**, does not apply;
- (G) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 3 of By-law **[Clerks to supply By-law ##]**;
- (H) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law **[Clerks to provide By-law ####]**;
- (I) Despite Regulations (G) and (H) above, in addition to Regulation 40.5.40.60(1) and Clause 40.10.40.60, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distance as follows:
 - (i) roof overhangs, balconies, balustrades, canopies, chimneys, cornices, eaves, guardrails, parapets, landscape and green roof elements, waste storage and loading space enclosures, lighting fixtures, ornamental elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, underground garage ramps, vents, wheelchair ramps, wind mitigation features and windowsills to a maximum of 2.0 metres;
 - (ii) projections on the east **building** face will be limited to a maximum of 25%, located on the north portion of the **building** face, up to a depth of 1.5 metres;
- (J) Despite Regulation 40.10.40.50(1), a building with 20 or more **dwelling units** must provide residential **amenity space** at a minimum rate of 3.4 square metres for each dwelling unit, of which:
 - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and,
 - (ii) at least 1.4 square metres for each **dwelling unit** as outdoor **amenity space**.
- (K) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 5 percent of the total **parking spaces** provided on the lands identified on Diagram 1 of By-law **[Clerks**

to supply by-law #] may have a minimum width of 2.6 metres, despite being obstructed on one or both sides;

- (L) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (M) Despite Regulations 200.15.1(1), 200.15.1(3), and 200.15.10(1)(C), accessible **parking spaces** must comply with the following:
 - (i) a minimum of seven (7) accessible **parking spaces** must be provided;
 - (ii) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and,
 - (c) vertical clearance of 2.1 metres;
 - (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (N) Regulation 200.15.1(4), with respect to the location of accessible **parking spaces**, do not apply;
- (O) Despite Regulations 230.5.1.10(8), (10) and Regulations 230.40.1.20(1) and (2), “short-term” **bicycle parking spaces** may be:
 - (i) located in a **stacked bicycle parking** space arrangement;
 - (ii) located outdoors, indoors, or within an accessible enclosure, and located on any floor of a **building** on the **lot**;
 - (iii) located within the municipal right-of-way, immediately adjacent to the **lot**;
- (P) Despite Regulation 230.5.1.10(9), “long-term” **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below ground.
- (Q) None of the provisions of this Exception or By-law 569-2013, as amended, will apply to prevent the erection or use of a temporary a sales, leasing or construction office on the **lot**;

Prevailing By-laws and Prevailing Sections: (None apply).

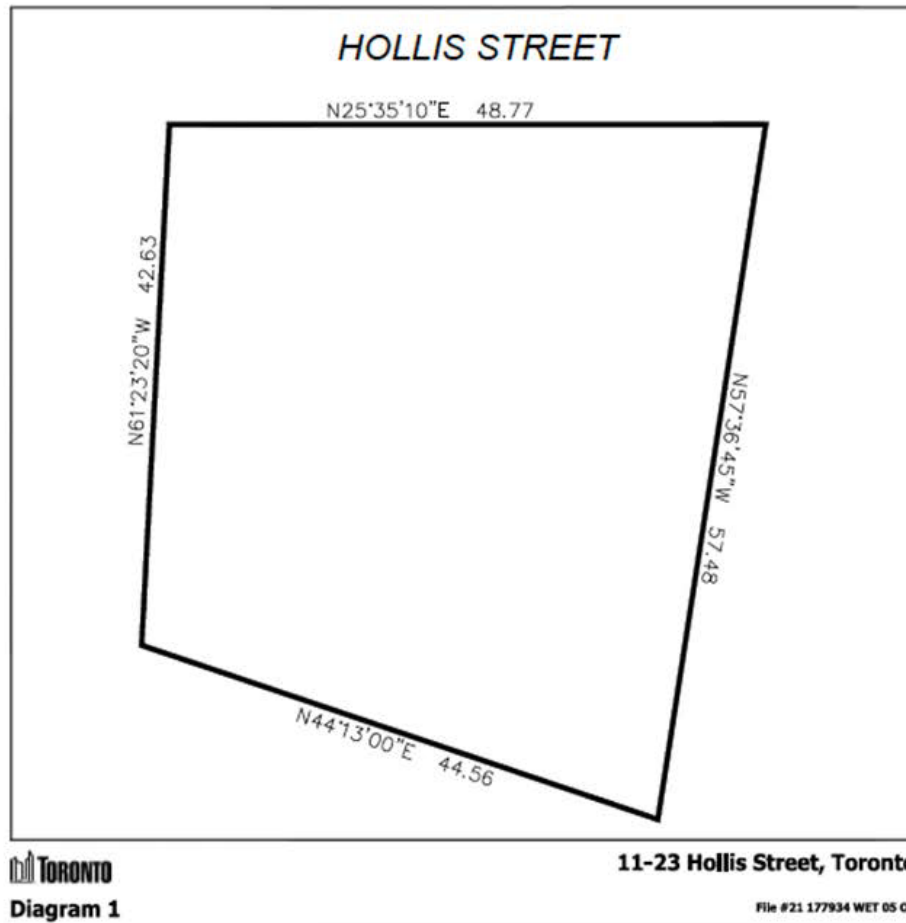
6. Despite any existing or future severance, partition, or division of the lands as shown on Diagram 1 of By-law [Clerks to supply by-law #], the provisions of this Exception and By-law 569-2013, as amended, shall apply to the whole of the lands, as if no severance, partition or division occurred.

Enacted and passed on ~, 2023.

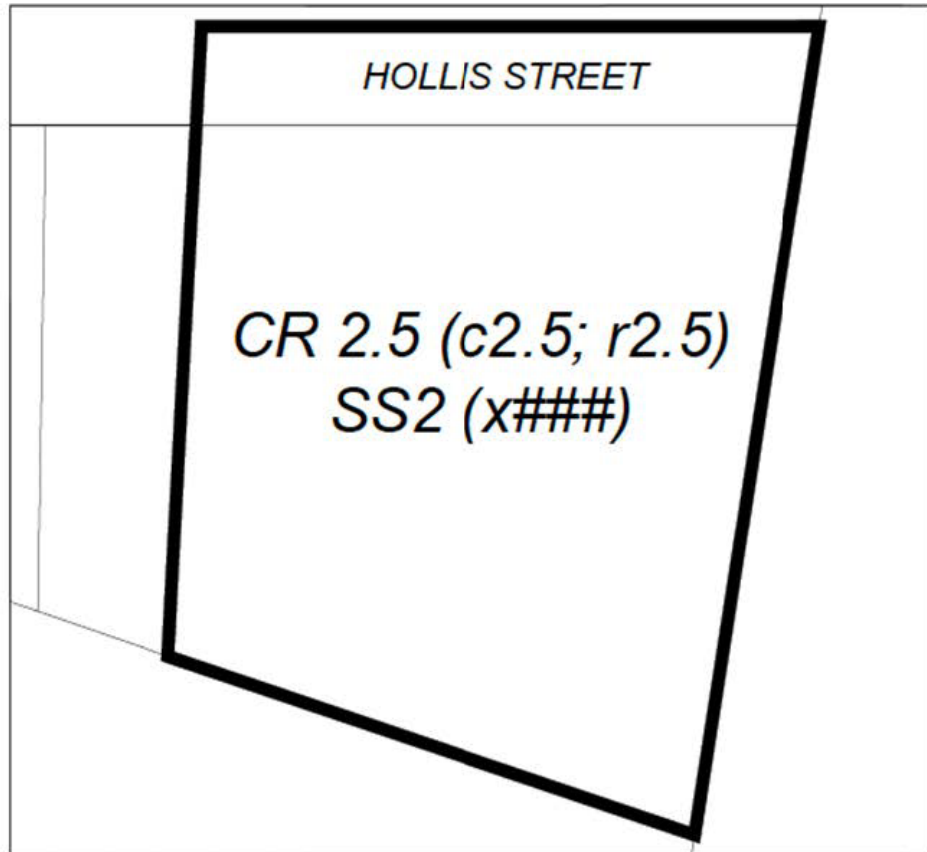
Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



7
City of Toronto By-law No. XXXX-2022



 **Toronto**
Diagram 2

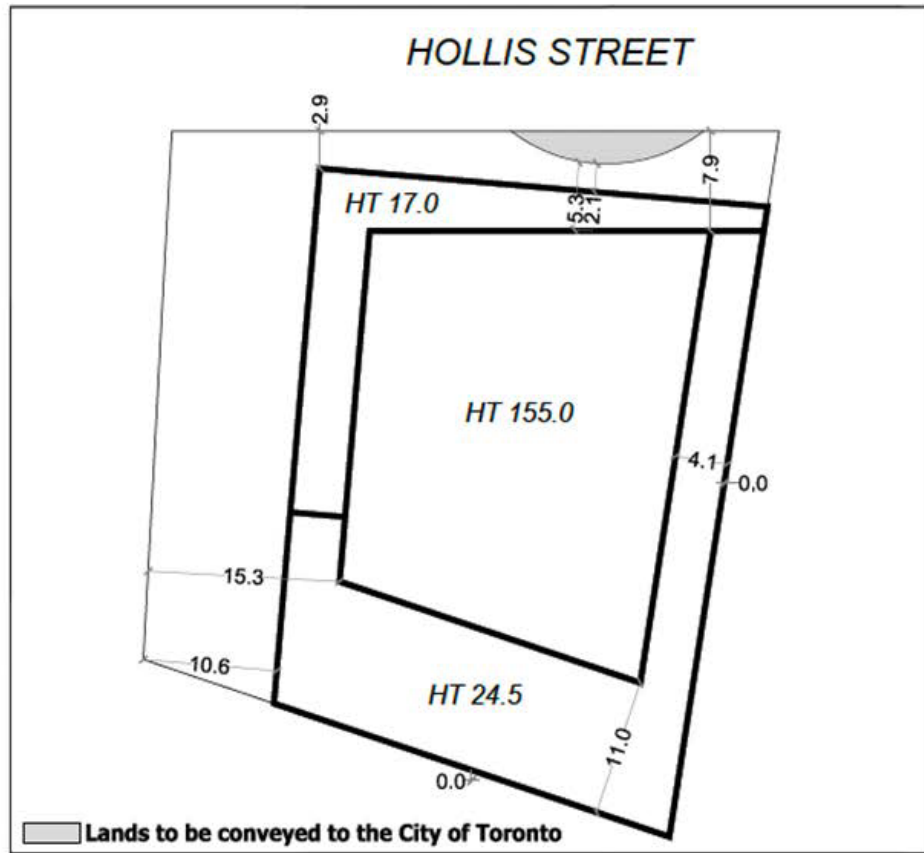
11-23 Hollis Street, Toronto

File #21 177934 WET 05 02



Not to Scale

8
City of Toronto By-law No. XXXX-2022



Toronto
Diagram 3

11-23 Hollis Street, Toronto

File #21 177934 WET 05 OZ

Not to Scale