

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 17, 2025

CASE NO.: OLT-23-000141

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

Applicant and Appellant: 789 Don Mills Developments Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit a multi-phased development consisting of privately Owned Publicly Accessible Open Space (POPS) with below grade parking in the existing conference centre and residential towers
Reference Number: 22 184087 NNY 16 OZ
Property Address: 789-793 Don Mills Road and 10 Ferrand Drive
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-23-000141
OLT Lead Case No.: OLT-23-000141
OLT Case Name: 789 Don Mills Developments Inc. v. Toronto (City)

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

Applicant and Appellant: 789 Don Mills Developments Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a multi-phased development consisting of privately Owned Publicly Accessible Open Space (POPS) with below grade parking in the existing conference centre and residential towers
Reference Number: 22 184087 NNY 16 OZ
Property Address: 789-793 Don Mills Road and 10 Ferrand Drive
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-23-000143
OLT Lead Case No.: OLT-23-000141

PROCEEDING COMMENCED UNDER subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Applicant and Appellant: 789 Don Mills Developments Inc.
Subject: Site Plan

Description:	To permit a multi-phased development consisting of privately Owned Publicly Accessible Open Space (POPS) with below grade parking in the existing conference centre and residential towers
Reference Number:	22 184087 NNY 16 SA
Property Address:	789-793 Don Mills Road and 10 Ferrand Drive
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-23-000144
OLT Lead Case No.:	OLT-23-000141

BEFORE:

ERIC S. CROWE)	Thursday, the 17 th
MEMBER)	
)	day of April, 2025

THIS MATTER, in respect of the lands at 789-793 Don Mills Road and 10 Ferrand Drive (“Subject Lands”) in the City of Toronto, having come for a Case Management Conference on November 1, 2024 before the Ontario Land Tribunal (the “Tribunal”) and the Tribunal having issued a Decision on November, 1, 2024; and

THE TRIBUNAL, having been advised by the Parties, 789 Don Mills Development Inc. (“Owners”), Donmeg Developments Limited and the City of Toronto (“City”), that a full settlement agreement had been reached between all Parties; and

THE TRIBUNAL, having received the submissions of the Parties, and having considered the evidence of Michael Goldberg, M.C.I.P, R.P.P. including affidavit evidence affirmed on April 15, 2025, with respect to the Phase 1 of the subject appeals filed by the Owners for the Subject Lands; and

THE TRIBUNAL, having accepted the uncontradicted expert land use planning opinion evidence of Michael Goldberg with respect to an Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBA”) applications before the Tribunal and finding that the OPA, and ZBA, proposal they would facilitate are consistent with, conform to, and are in keeping with applicable policies and guidelines of the Province of Ontario namely,

the *Planning Act*, and the Provincial Planning Statement, 2024 and the City of Toronto Official Plan, Don Mills Crossing Secondary Plan, Tall Building Design Guidelines;

AND THE TRIBUNAL, finding that the requested OPA and ZBA, as revised by the settlement agreement, meet the required legislative tests, having regard to Provincial interests, represent good planning, are in the public interest, and warrant approval;

NOW THEREFORE

THE TRIBUNAL MAKES THE INTERIM ORDER that the appeal by the owner of its application for amendments to the City of Toronto Zoning- By law No. 569-2013 is allowed, in part, and relates to Phase 1;

AND THE TRIBUNALS FINAL ORDER approving the OPA and ZBA for Phase 1 of the subject appeals shall be withheld until the Tribunal has been advised by the Owner and the City Solicitor that the following matters have been satisfied;

1. The final forms of the OPA and ZBA are to the satisfaction of the Executive Director, Development Review and the City Solicitor, including any appropriate Holding Provisions;
2. The Owner has, at the owner's expense:
 - i. addressed all outstanding issues raised by Engineering and Construction Services as they relate to the application, including providing for an appropriate legal arrangement for the provision of Foresters Lane as either a stratified public road or a private road with a public surface easement, at the discretion of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - ii. provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures, to the satisfaction of the Chief Engineer and Executive

- Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Executive Director, Development Review;
- iii. provided a Functional Servicing Report and Stormwater Management Report, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;
 - iv. designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
 - v. made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and
 - vi. addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review.

AND THE TRIBUNAL FURTHER ORDERS that the appeals of the Official Plan Amendment and Zoning By-law Amendment for Phase II are adjourned *sine die* and that it may be spoken to should a matter arise in connection with the implementation of this Interim Order.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: 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.