

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 10, 2025

CASE NO(S):

OLT-23-000218

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

Applicant/Appellant:	Cheong Family Holdings Ltd.
Subject:	Official Plan Amendment
Description:	To permit development of 29-storey building containing 143 dwelling units
Property Address:	69 Yorkville Avenue
Municipality/UT:	Toronto
Municipal File No.:	21 234044 STE 11 OZ
OLT Case No.:	OLT-23-000218
OLT Lead Case No.:	OLT-23-000218
OLT Case Name:	Cheong Family Holdings Ltd. v. Toronto (City)

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

Applicant/Appellant:	Cheong Family Holdings Ltd.
Subject:	Zoning Bylaw Amendment
Description:	To permit development of 29-storey building containing 143 dwelling units
Property Address:	69 Yorkville Avenue
Municipality/UT:	Toronto
Municipal File No.:	21 234044 STE 11 OZ
OLT Case No.:	OLT-23-000219
OLT Lead Case No.:	OLT-23-000218

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

Applicant/Appellant:	Cheong Family Holdings Ltd.
Subject:	Site Plan Control
Description:	To permit development of 29-storey building containing 143 dwelling units

Property Address:	69 Yorkville Avenue
Municipality/UT:	Toronto
Municipal File No.:	21 234044 STE 11 OZ
OLT Case No.:	OLT-23-000219
OLT Lead Case No.:	OLT-23-000218

Heard: July 29 to 31, August 1, 5 to 7, and September 29, 2025, by Video Hearing

APPEARANCES:

Parties

Cheong Family Holdings Ltd.
("Applicant")

City of Toronto
("City")

ABC Residents Association and Greater
Yorkville Ratepayers' Association
("ABC/GYRA")

Minto Properties Inc. and Minto
Apartment GP Inc., as general partner of
Minto Apartment Limited Partnership
("Minto")

Counsel/Representative*

Christopher Tanzola
Natalie Ast
Daniel Teichman

Adam Ward

Andrew Biggart

Maun Demchenko*

DECISION DELIVERED BY JEAN-PIERRE BLAIS AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Toronto neighbourhood known as the Village of Yorkville¹ has had a long history and several reincarnations. The settlement north of the Town of York (now the City of Toronto) was incorporated as a village in 1853 and annexed by the City in 1883. Joseph Bloor and William Jarvis, whose names still mark the City's toponymy, subdivided the lands and were instrumental in defining the area's urban fabric which is still partially present today through its small lots and narrow streets. Transformed after its bohemian and counterculture phase of the 1960s, the Village of Yorkville has evolved into an area now known for its luxury retail shops, hotels, offices, residences, and restaurants.

[2] Today, the area is also surrounded by tall buildings and the Applicant wishes to contribute to that growth and intensification. Specifically, the Applicant seeks to redevelop a property known municipally as 69 Yorkville Avenue in the City ("Subject Property") by demolishing an existing four-storey commercial brick building and constructing a 39-storey mixed-use building containing 169 dwelling units ("Proposed Development").

[3] To implement the Proposed Development, the Applicant filed in November 2021, an Official Plan Amendment ("OPA"), a Zoning By-law Amendment ("ZBA"), and a Draft Plan of Condominium ("SPA") (together the "Applications"). Originally, the Applicant contemplated the construction of a 29-storey mixed-use building containing 143

¹ Although the Tribunal uses the erstwhile monicker 'Village of Yorkville' for consistency in this Decision, it is no longer a village. Rather it is a neighbourhood or precinct within the City.

dwelling units, with a gross floor area (“GFA”) of 15,630 square metres (“Original Applications”). The City deemed the Applications complete on December 3, 2021. But, on February 8, 2023, the City refused the Original Applications.

[4] On February 23, 2023, the Applicants appealed to the Tribunal pursuant to sections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 (“Act”), and section 114(15) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, due to the City’s refusal of the Original Applications.

[5] While the appeals progressed at the Tribunal, the Applicant submitted revised plans for the Proposed Development, which were responsive to comments received from the City’s planning and urban design staff (“Revised Applications”). The Revised Applications contemplate a greater height at 39 storeys, narrower floor plates, increased stepbacks, the addition of a museum use in the podium, a reduction in the total GFA to 12,583 square metres, an increase to 169 units (39% one-bedroom; 50% two-bedrooms, and 11% three-bedrooms), and an increase in parking spaces to 111. The Revised Application amounted to a Settlement Offer to the City and Minto, owners of an adjacent property at 61 Yorkville Avenue.

[6] This Settlement Offer resulted in Minutes of Settlement with Minto, dated September 4, 2024 (“Minutes of Settlement”), and garnered the support from some City staff. However, on November 14, 2024, City Council refused the Settlement Offer.

[7] The OPA proposes to re-designate the Subject Property from ‘Mixed Use Area 4 - Local’ to ‘Mixed Use Area 2 - Intermediate’ under the City’s Downtown Secondary Plan (OPA 406, adopted on June 5, 2019) (“Downtown Plan”) and to provide a site-specific amendment allowing a total height of 125 metres plus associated projections, replacing the low-rise areas overlay contained in the Site and Area Specific Policy 211 (“SASP 211”). The ZBA proposes amendments including with respect to permitted building height, GFA, projections, amenity space, setbacks, windows, the number and size of parking spaces, and loading spaces.

[8] The evidence for the OPA and ZBA appeal was heard over seven days, with final oral arguments being presented orally on September 29, 2025.

[9] The SPA is in abeyance pending the resolution of the appeals on the OPA and the ZBA.

SUBJECT PROPERTY AND SURROUNDINGS

[10] The Subject Property is located on the south side of Yorkville Avenue between Bellair Street and Bay Street. Genoa Street is immediately to the east of the Subject Property. Although having the designation “Street”, Genoa Street effectively operates as a laneway for so-called “back-of-house” activities. It is a dead-end. By contrast, Bellair Street is closed to vehicles in the warmer months, with expanded patio space for restaurants and cafes.

[11] The Subject Property has 27.83 metres of frontage along Yorkville Avenue, 23.77 metres of frontage along Genoa Street and 6.59 metres of frontage on Bellair Street. It has an area of 759 square metres. The Subject Property is a narrow mid-block parcel, with an irregular shape described as a “dogleg”, which wraps around the property at 75 Yorkville Avenue (Café/Trattoria Nervosa).

[12] The Subject Property is located within the area subject to the SASP 211, as identified on Map 1 to the SASP 211, and is described as an area of special identity. It is currently designated as ‘Mixed Use Area 4 - Local’ under the Downtown Plan.

[13] The Subject Property is very well served by transit and is in three Protected Major Transit Station Areas (“PMTSAs”) namely the Bay PMTSA (SASP 599) within 100 metres, the Bloor-Young PMTSA (SASP 600) within 350 metres, and the Museum PMTSA (SASP 612) within 500 metres. There is also easy access to three bus routes.

[14] Village of Yorkville is not a heritage conservation district.

POSITION OF THE PARTIES

[15] The Applicant submits that the Proposed Development should be approved and the appeals of the OPA and ZBA be allowed in part. The Applicant seeks an Interim Order approving the Revised Applications subject to certain conditions. It also seeks the continued adjournment of the SPA *sine die*.

[16] The Applicant contends that the Proposed Development meets all the statutory tests, namely that the Revised Applications have regard to matters of provincial interests in section 2 of the Act, are consistent with the Provincial Planning Statement, 2024, conform to the City's Official Plan ("OP") including the Downtown Plan and the SASP 211, and have regard to applicable guidelines including the City's Tall Building Design Guideline 2023 and the Bloor-Yorkville North Midtown Urban Design Guidelines ("BYNMUD Guidelines").

[17] The City seeks the dismissal of the appeals. For the City, the Revised Applications contemplate a built form that does not fit the character nor the context of the surrounding area and undermines the layers of policy framework that apply to the Subject Property. The City contends specifically that a 39-storey building on the Subject Property is inappropriate given its location in the low-rise SASP 211 area, the existing and planned context surrounding the Subject Property, and the applicable policy framework for this neighbourhood.

[18] ABC/GYRA also advocate for the dismissal of the appeals because the Proposed Development is contrary to the applicable planning framework and would irreparably harm the character of the Village of Yorkville. For them, the Village of Yorkville is a "precious jewel in the heart of the City", defined by narrow streets, fine-grain retail frontages, pedestrian laneways, and mid-rise and low-rise buildings that "create a human-scaled urban environment". ABC/GYRA contend that the Subject Property is not a suitable site for a tower and approval of the Revised Applications would undermine the carefully considered policy directions in the City's OP, the Downtown Plan, and the SASP 211.

[19] ABC/GYRA are concerned the precedent that would be set if the Tribunal approved the Applications. While they admit that Tribunal decisions are not precedential, they contend that the practical effect of allowing a tower in the Village of Yorkville would be to invite similar proposals throughout the low-rise area which, if approved, would irreparably harm the Village of Yorkville's character and undermine the policy structure put in place by the City.

[20] Minto did not present any evidence at the Hearing but submits that if the Tribunal approves the Proposed Development, the interface with Minto's building agreed upon in the Minutes of Settlement should be reflected in the Tribunal's Decision through an appropriate condition.

POSITION OF THE PARTICIPANTS

[21] Jennifer Ricci and Jonathan Wener were the only individuals to be made Participants in this proceeding. They raised the following relevant land use planning concerns: the height of the proposed tower is not contextually appropriate, and the Proposed Development would detract/diminish the charm of the Village of Yorkville.

[22] These issues are addressed by the Parties, as discussed further below.

[23] By letter, dated July 7, 2025, Ian Wookey, owner of properties in the Village of Yorkville neighbourhood, sought to be added as a Participant. His request was denied by the Tribunal as it was received far too late in the process.

EVIDENCE

[24] The Tribunal heard and considered the evidence of the following individuals:

- a. Andrew Ferancik, Principal and President of Walker, Nott, Dragicevic Associates Limited ("WND Associates"), who was retained by the

Applicant and was qualified by the Tribunal to provide expert opinion evidence in land use planning;

- b. Albert Brooks, an Associate Principal with Cermak Peterka Petersen Wind Engineering, who was retained by the Applicant and was qualified by the Tribunal to give expert opinion evidence in wind and microclimate engineering;
- c. Paul Johnson, a Senior Planner with the City, who was summoned by the Applicant and qualified by the Tribunal to give expert opinion evidence in land use planning;
- d. Sean McGaffey, a Senior Associate with WND Associates, who was retained by the Applicant and was qualified by the Tribunal to give expert opinion evidence in urban design;
- e. David Sajecki, a Partner with Sajecki Planning Incorporated, who was retained by the City and was qualified by the Tribunal to give expert opinion evidence in land use planning;
- f. Diana Birchall, a planning and urban design consultant, who was retained by the City and was qualified by the Tribunal to give expert opinion evidence in urban design;
- g. Martin Rendl, Principal with Martin Rendl Associates, who was retained by ABC/GYRA and was qualified by the Tribunal to give expert opinion evidence in land use planning; and,
- h. Michael Spaziani, a retired architect who now works under contract with SRM Architects and Urban Designers, who was retained by ABC/GYRA and was qualified by the Tribunal to give expert opinion evidence in urban design.

[25] The individuals qualified to provide expert opinion evidence adopt their Written Witness Statements and Reply Witness Statements, with such added minor corrections as required and noted during their oral evidence.

[26] The Tribunal also considers the Agreed Statement of Facts filed with the Tribunal on April 9, 2025.

[27] In an oral Decision on August 7, 2025, the Tribunal decided not to do an unaccompanied site visit of the Subject Property and the surrounding area, which had been requested by the Applicant. The other Parties did not object to the visit. However, given the significant visual evidence presented at the Hearing, the Tribunal concluded that an in-person visit was not required.

ISSUES

[28] Considerable evidence is presented with respect to issues such as intensification, shadowing, wind, design, windows, setbacks, stepbacks, separation distances, transition, the alleged constrained size of the Subject Property, and floorplates. However, the central issue in these appeals is the height of the Proposed Development, given the City's OP.

ANALYSIS

[29] In these appeals, the Tribunal must be persuaded, in this *de novo* consideration of the Applications, that the Proposed Development and the proposed instruments meet all the statutory tests on a balance of probabilities. The onus is on the Applicant. Failure to meet any one statutory test is fatal to the Applicant's appeals. Thus, if the Applicant fails to persuade the Tribunal that the Proposed Development and the Applications are in conformity with the City's OP, the appeals must be dismissed even if it demonstrates that other statutory tests have been met. For the reason set out below, the Tribunal concludes that the Applications do not conform to the City's OP, including the

Downtown Plan and the SASP 211. The Tribunal does not consider the other statutory tests as they are moot given the Tribunal's finding of nonconformity with OP policies.

[30] Section 24(1) of the Act requires that by-laws conform to the City's OP. The proposed OPA and the ZBA would be such by-laws.

[31] Policy 3.1.3.1 of the City's OP provides that new developments will be located and organized to fit within the existing and planned context. Policy 3.3 of the Downtown Plan is to the same effect. In addition, Policy 6.33.2 of the Downtown Plan provides that development in 'Mixed Use Areas 4 - Local' will be of a low-rise scale, generally four storeys or less in height. Policy c(i) of the SASP 211 provides that development in the Village of Yorkville will respect and reinforce the existing character marked by low-scale buildings. The introductory paragraph of Policy c(i) of the SASP 211 underscores that development in 'Mixed Use' designation within the Village of Yorkville or on sites that are proximate will be "strictly controlled to respect and reinforce the established character". New development must be "contextually appropriate".

[32] The Applicant admits that the core of the Village of Yorkville is a low-rise area. However, the Applicant submits that introducing a taller building on the Subject Property aligns with the evolving context around the core area of the Village of Yorkville, particularly with the construction and planned construction of tall buildings along Bay Street and Avenue Road, creating what was described as "bookends" for the Village of Yorkville. For the Applicant, the Proposed Development is compatible with the planned and existing context and is a harmonious addition to the Village of Yorkville.

[33] Based on the evidence of Messrs. Ferancik, McGaffey, and Johnson, the Applicant contends that Genoa Street (to the east of the Subject Property) is not a necessary planning frontier or boundary. Rather, it is Bellair Street (to the west of the Subject Property) which should be key for planning purposes. In its submission, it is there that the policy line should be drawn. For the Applicant, the block east of Bellair Street has existing tall buildings and is treated differently under the BYNMUD Guidelines.

[34] Mr. Ferancik testifies that the existing block and area context, including the area generally defined by Yorkville Avenue, portions of Hazelton Avenue, both sides of Bellair Street, Cumberland Street, the west side of Bay Street, and the east side of Avenue Road, includes a mix of low-rise and mid-rise building forms west of Bellair Street. This area includes fine grained commercial and residential uses at grade. He adds that the immediate area also includes five taller interspersed built forms at 80-100 Yorkville Avenue (18 storeys), 94 Cumberland Street (25 storeys), 80 Cumberland Street (18 storeys), 61 Yorkville Avenue (18 storeys), and 68 Yorkville Avenue (18 storeys), as well as two buildings taller than low-rise heights at 100 Yorkville Avenue (8 storeys) and the Hazelton Hotel (8 storeys).

[35] Beyond the existing block and area context, Mr. Ferancik describes numerous buildings within the 'Height Peaks' and 'Height Ridges' shown on Map 2 of the SASP 211, which are built, under construction, or approved. This includes buildings ranging from 23 storeys to 99 storeys. He also points out buildings in the vicinity, recently completed or under construction, which are within the SASP 211 area, but which are neither in the Height Peaks or Height Ridges. For him, the Proposed Development would continue this pre-existing pattern of development where tall buildings are approved on sites that are contextually appropriate for tall buildings, notwithstanding the SASP 211 specific policy areas. Based on the above, Mr. Ferancik opines that the Proposed Development would not be the first tall building outside the Height Peaks and Height Ridges.

[36] Mr. Johnson, a City planner, testifies under summons by the Applicant. He also opines that a 39-storey tower fits into the planned and existing context. He is a member of the City's staff that considered the Applicant's settlement offer to the City.

[37] By contrast, Mr. Sajecki opines that a 39-storey tower does not respect the height hierarchy established in the SASP 211 and risks undermining the planned hierarchy of the area by introducing new height peak at the Subject Property, which could result in further encroachments of tall buildings into the low-rise area. For him, the

Proposed Development is not in keeping with the prevailing heights within the Village of Yorkville and does not conform to the SASP 211.

[38] Similarly, Ms. Birchall testifies that the Proposed Development is higher than the adjacent building and substantially higher than the generally low-rise and house form buildings to the west of the Subject Property. For her, the Proposed Development does not fit harmoniously with or relate appropriately to its distinct and special context and does not conform to the SASP 211 as it does not provide a scale and a building typology that responds to the existing character of the heights in the area.

[39] Likewise, Mr. Spaziani opines that the massing and the height of the Proposed Development are excessive for the site, given its location in the Village of Yorkville. He testifies that the planned context clearly points to a descending series of heights from the Height Peaks and Height Ridges. This urban structure policy is intended to limit taller development in proximity to the desirable and characteristic low-rise scale of the Village of Yorkville. For him, the Proposed Development does not conform to the City's OP, the Downtown Plan, and the SASP 211, and the height does not represent good urban planning. He underscores that the proposed tower will be looming and excessive, contrary to what is currently built and formed.

[40] Mr. Rendl's opinion with respect to building height is like Mr. Spaziani's opinion. He testifies that it is unclear to him how adding 10 storeys to a 29-storey building, that is considered by City Council as contextually inappropriate, results in a 39-storey proposal as being more appropriate and a better fit. In his experience, concerns about inappropriate building heights are usually addressed by lowering the building height to better fit its context and the planning policies.

[41] The Tribunal accepts and prefers the evidence of Ms. Birchall and Messrs. Sajecki, Rendl, and Spaziani over the evidence of Messrs. Ferancik, McGaffey, and Johnson. On the issue of fit and building height, the evidence of the first group of witnesses is firmly rooted in the relevant policies of the City's OP, the Downtown Plan, and the SASP 211. Many developments referenced by Mr. Ferancik are in districts

outside the Village of Yorkville identified in the SASP 211. Those buildings are thus reflective of a planned context for development that differs significantly in scale and other characteristics. In addition, Mr. Ferancik focuses on City-wide policies rather than attempting to conform with in-force and area specific OP policies. Mr. Ferancik's approach is misguided when he attempts to override specific policies by the general planning policies. The contrary is the appropriate interpretive approach. The Tribunal particularly rejects the position of Mr. McGaffey to the effect that the BYNMUD Guidelines, which are mere guidelines, alter the scope and impact of the OP policies, particularly the SASP 211, as it applies to the low-rise area of the Village of Yorkville. Guidelines cannot move planning boundaries provided in a municipality's official plan.

[42] It was evident to the Tribunal that the in-force OP policies, read as a whole, explicitly differentiate the low-rise area of the Village of Yorkville from the tall building clusters at its edges. The presence of the Bay-Bloor Height Ridge cannot be a justification for the expansion of tall buildings westward along Yorkville Avenue when the City's planning policies explicitly seek to protect the low-scale character of the Village of Yorkville. No amount of massing refinements and architectural design can cure the fundamental flaw with respect to the 39-storey height of the Proposed Development, which does not conform to the City's OP, the Downtown Plan, and the SASP 211. Although there is a broad provincial policy which is supportive of intensification, this does not confer an unfettered right to height.

[43] Mr. Ferancik testifies on cross examination that an applicant may seek changes to the OP policies, especially if the policy is very old, given the surrounding context. He considers the low-rise area of the SASP 211 to be outdated with respect to its edges, thereby justifying moving the policy demarcation from Genoa Street to Bellair Street. The Tribunal agrees that it is open to the Applicant to seek to change the policies set out in the City's OP, including the SASP 211, through the OPA. Nevertheless, the OPA must be in conformity with the OP policies read as a whole. Although Mr. Ferancik explains that the SASP 211 finds its roots in the City's 1976 North Midtown Area Plan, its content was largely carried forward and reaffirmed in the Downtown Plan recently adopted by the City in 2019, which came into force following ministerial approval of OPA

406. Although the Ministerial approval made numerous changes to the Downtown Plan adopted by the City, the SASP 211 is unchanged. Mr. Ferancik's evidence that the policy demarcation is vestigial is disconnected from the in-force policies reaffirmed in 2019, a mere two and a half years before the Original Applications were submitted.

[44] The examples brought forward by the Applicant as precedents for the Proposed Development are distinguishable. For instance, the development at 80-100 Yorkville (18 storeys) is less than half the proposed height in the Revised Applications and the development at 94 Cumberland Street (25 storeys) was not subject to any specific height restrictions at the time of approval. The lands at 61 Yorkville Avenue, 80 Yorkville Avenue, and 94 Cumberland Street have been carved out of the low-rise area of SASP 211. The taller buildings along Yorkville Avenue are all on the northside of that street: 68 Yorkville Avenue (18 storeys), 100 Yorkville Avenue (8 storeys), and the Hazelton Hotel at 118 Yorkville Avenue (8-9 storeys). By contrast, the southside, where the Subject Property is located, is entirely low-rise.

[45] The Tribunal finds that the Proposed Development fails to achieve an appropriate relationship with the unique character of the Village of Yorkville. It represents an overdevelopment. Specifically, a 39-storey tower is overly tall for the Subject Property. The Tribunal finds that the Proposed Development does not fit within the planned or existing context of the low-rise mixed use of the Village of Yorkville. It is contextually inappropriate. By suggesting that tall buildings may be built east of Bellair Street, the Applicant is erasing or ignoring a land use planning line clearly established in the SASP 211, which is part of a broader planning framework adopted by the City. The position of the Applicant would undermine the planned urban structure for the Village of Yorkville.

[46] Whilst the dotted line identifying the extent of the low-rise area in the SASP 211 is not drawn with the detailed accuracy expected in a surveyor's plan (nor should it be), the expert witnesses agree that interpretation could be applied. The Tribunal finds that most of the Subject Property is clearly within the low-rise area delineated in the SASP 211. The Subject Property is, in both fact and policy, part of the low-rise area of Village

of Yorkville. The Applicant has not persuaded the Tribunal of any policy justification to “move the line”.

[47] Moreover, the Tribunal notes that the SASP 211 does not use the phrase “planned and existing context” found in the City’s OP and the Downtown Plan. That phrase suggests a more evolutionary planning policy context. Rather, the SASP 211 uses the phrase “will respect and reinforce the existing character [emphasis added]” which suggests a more fixed planning policy direction. This provides further support that moving the line for low-rise area, as advocated by the Applicant based on the evidence of Messrs. Ferancik, McGaffey, and Johnson, is inappropriate. Indeed, the Tribunal accepts the City’s legal argument, based on the Divisional Court’s Decision in *Romlek Enterprises*, that priority must be given to the SASP 211, particularly given the interpretation Policy 5.6.7 of the City’s OP, which states that where there is a conflict between the general policies of the City’s OP and site/area specific policies, the latter prevails.²

[48] Pursuant to section 2.1 of the Act, the Tribunal has regard to the Decision of City Council which refused the Original Applications. However, the Tribunal agrees with the Applicant that City Council’s Decision should not be conflated with deference, particularly given the significantly greater scrutiny placed on the Applications through these appeals and that the Applications are now for a 39-storey Proposed Development with different parameters.³ Nevertheless, the Tribunal has arrived at a similar conclusion, namely that the Applications should be refused.

² *Re: Romlek Enterprises*, 2009 CarswellOnt 3108, at paragraphs 32 and 34. See also policy 1.6 of the Downtown Plan.

³ *Jane Bloor LP v. Toronto (City)*, 2025 CarswellOnt 13090, at paragraph 110 and 111.

[49] During the proceeding, height proposals of less than 39-storeys are advanced for the Subject Property by some expert witnesses. Mr. Spaziani states he could support a mid-rise building of 8 to 10 storeys, provided that other design features are contemplated. Ms. Birchall advances a 10-storey option. Mr. Sajecki states that he could be supportive of a reduced height but did not provide an actual height he would support. Counsel for the Applicant attempts to use those positions as support for the contention that the block east of Bellair Street is different from the rest of Yorkville Avenue. However, the Tribunal finds that those options are of little probative value with respect to the appeals before the Tribunal. Those options are not the subject of the appeals. Their detailed massing and design are barely elaborated upon. They are merely concepts of plans. Counsel for the Applicant argues in his closing arguments that the Tribunal should be circumspect in considering these options and not treat them as alternative proposals. The Tribunal agrees and so finds. Ultimately, Ms. Birchall, Mr. Sajecki, and Mr. Spaziani recommend that the appeals be dismissed.

CONCLUSION

[50] The Tribunal finds that the Proposed Development, the OPA and the ZBA do not conform to the City's OP, do not represent good land use planning, and are not in the public interest.

[51] From a land use policy and planning perspective, the Village of Yorkville has long been recognized as a distinctive district within the City's downtown area. The Village of Yorkville is unique and has been expressly protected by policy, including under the Downtown Plan and the SASP 211. Properly read as a whole, those OP policies provide a planning framework that allows tall buildings and intensification at the edges of the Village of Yorkville, while preserving its core as low-rise, based on delineations set out in the mapping of the SASP 211. The Subject Property is on the edge of the Village of Yorkville, but it is undeniably within the low-rise area. The Applicant's submissions amount to an invitation for the Tribunal to disregard the City's policy framework when conformity therewith is legislatively required. The Tribunal declines that invitation.

ORDER

[52] **THE TRIBUNAL ORDERS** that the appeals are dismissed, and that the requested amendments to the Official Plan for the City of Toronto and to By-law No. 560-2013 are refused.

“Jean-Pierre Blais”

JEAN-PIERRE BLAIS
VICE CHAIR

Ontario Land Tribunal

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