

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 19, 2023

CASE NO(S): OLT-23-000232

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

Applicant and Appellant:	1840 Bayview Avenue LP
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 34-storey mixed use building
Reference Number:	22 210813 NNY 15 OZ
Property Address:	1840 Bayview Avenue
Municipality/UT:	City of Toronto
OLT Case No.:	OLT-23-000232
OLT Lead Case No.:	OLT-23-000232
OLT Case Name:	1840 Bayview Avenue LP v. Toronto (City)

Heard: July 11, 2023, by Video Hearing

APPEARANCES:

Parties

Counsel

1840 Bayview Avenue LP

David Bronskill

City of Toronto

Michelle LaFortune
Jessica Braun (*in absentia*)

Glaze Dev LP

Michael Foderick
Daniel Angelucci

Broadway Area Residents Association

Marc Kemerer

MEMORANDUM OF ORAL DECISION DELIVERED BY ERIC S. CROWE ON JULY 11, 2023 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the first Case Management Conference (“CMC”) with respect to appeals brought pursuant to a Zoning By-law Amendment (“ZBLA”) under s 34(11) of the *Planning Act* (“Act”) for the property municipally addressed as 1840 Bayview Avenue (“Subject Property”) located in the City of Toronto (“City”), for the failure of Council to adopt or to make a decision within the legislated timeframe.

[2] The purpose of the ZBLA would see the removal of a gas bar and commercial service station to be replaced with a 34- storey mixed use building with 24,103 square meters (“m²”) of residential area and 202 m² of ground floor retail area fronting Bayview Avenue for a total of 24,305 m² with a 14.75 Floor Space Index.

[3] The Sworn Affidavit of Service to Notice was marked as Exhibit 1.

PARTICIPANT STATUS REQUEST

[4] In response to the Notice, the Tribunal received sixteen written requests for Participant Status.

[5] There was discussion between the Parties and the Tribunal of the correct number of Participant requests and the fact that one Party requested to convert to Participant Status. Mr. Douglas Obright, advised counsel for the Leaside Residents Association wasn’t available however, he was representing the Association as president. Their request for Participant Status from Party Status was granted by the Tribunal.

[6] Marie Fullerton and Louise Brisbois both claimed they submitted Participant requests prior to the CMC. The Tribunal has since received their Participant request and granted them Participant Status.

[7] The Tribunal granted Participant Status to the following individuals:

1. Leaside Residents Association
2. South Eglington Davisville Residents Association
3. Jill Hamilton
4. Martyn Riddle
5. Richard Alvarez
6. Rick Moris
7. Megan Jull
8. Wayne Roberts
9. Jim Parker
10. Maureen Bratkiw
11. Shabnam Ghaf
12. Farzi Pourmoetamed
13. William and Wendy Swift
14. Jim Weir
15. Sarit Nagy
16. Janice Mitchell
17. Bruce Shepherd
18. Marie Fullerton
19. Louise Brisbois

PARTY STATUS REQUESTS

[8] In response to the Notice, the Tribunal received two other written requests for Party Status.

[9] Michael Foderick, counsel for Glaze Dev LP, advised they have an interest as an adjacent property owner of the Subject Property and seek Party Status to ensure that the Tribunal can properly hear their issues.

[10] Marc Kemerer, counsel for Broadway Area Residents Association, advised the Tribunal they have an interest in the appeals and understand their obligations as a Party and would consolidate their overlapping issues with the other Parties as required.

[11] The Tribunal has considered the Party's submissions, was in receipt of and considered the contents of their statements. There were no objections raised by either Party to the requests for Party Status.

[12] The Tribunal granted Party Status to the following;

1. Glaze Dev LP
2. Broadway Area Residents Association

HEARING

[13] David Bronskill, counsel for 1840 Bayview Avenue LP ("the Applicant/Appellant"), provided background to the application. Mr. Bronskill requested to set hearing dates for ten days considering the number of Parties and the issues being raised. A draft Procedural Order ("PO") and Issues List ("IL") was received by the Tribunal however a finalized PO and IL will be required.

[14] Michelle Lafortune, counsel for the City, confirmed the request for a ten day hearing.

MEDIATION

[15] The Parties were advised that Tribunal-led mediation was available and that they should be aware that they may request this mediation at their convenience.

DRAFT PROCEDURAL ORDER AND ISSUES LIST

[16] The Tribunal canvassed the Parties regarding the time needed to prepare a draft PO and IL. On consent, the Tribunal directed that the complete draft PO and IL be provided to the Case Coordinator no later than **Tuesday, August 8, 2023**. Counsel for the Applicant/Appellant will coordinate and provide the draft PO to the Tribunal by the appointed date. If this date cannot be achieved, counsel for the Applicant/Appellant is requested to advise the Case Coordinator as soon as this is reasonably known.

HEARING DATES

[17] The Tribunal finds a ten-day hearing is reasonable considering the two Parties added at this CMC. Therefore, the Tribunal directs that a ten-day hearing will be held by video commencing on **Monday, May 27, 2024**, at **10 a.m.**

[18] The hearing is scheduled to proceed by video on **Monday, May 27, 2024**, to **Friday, June 7, 2024**, at **10.a.m.**

[19] Parties and Participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections

<https://global.gotomeeting.com/join/909787981>

Access code: 909-787-981

[20] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[21] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(Toll Free): 1-888-455-1389 or (647) 497-9391**. The **access code** is **as indicated above**.

[22] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[23] No further notice will be given.

ORDER

[24] **THE TRIBUNAL ORDERS** that:

- a. The Member is not seized and may be spoken to related to case management.
- b. The directions in this Decision are so ordered.

“Eric S. Crowe”

ERIC S. CROWE
MEMBER

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.