

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 31, 2024

CASE NO.: OLT-23-000334

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

Applicant and Appellant: BayviewEg Investment Corp.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Descriptions: To permit development of a 35-storey building containing approximately 442 residential units
Reference Number: 22 225964 NNY 15 OZ
Property Address: 589-595 Eglinton Avenue East, 61-67 Mann Avenue
Municipality/UT: City of Toronto
OLT Case No.: OLT-23-000334
OLT File No.: OLT-23-000334
OLT Case Name: BayviewEg Investment Corp. 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: BayviewEg Investment Corp.
Subject: Request to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit development of a 35-storey building containing approximately 442 residential units
Reference Number: 22 225964 NNY 15 OZ
Property Address: 589-595 Eglinton Avenue East, 61-67 Mann Avenue
Municipality/UT: City of Toronto
OLT Case No.: OLT-23-003843
OLT File No.: OLT-23-000334
OLT Case Name: BayviewEg Investment Corp. v. Toronto (City)

BEFORE:

ERIC CROWE

) Friday, the 31st

MEMBER

)
)

day of May, 2024

THE MATTER having come on for a written hearing, and the Ontario Land Tribunal (the “**Tribunal**”) having considered the uncontested opinion evidence of David Sajecki as presented in his affidavit, in the area of land use planning, that the appeals under subsection 22(7) and subsection 34(11) of the *Planning Act* (the “**Appeals**”) are approved in principle and that the proposed redevelopment of the lands known municipally in the City of Toronto as 589-595 Eglinton Avenue East & 6167 Mann Avenue (the “**Lands**”) are approved in principle in accordance with the plans attached as Exhibit “F” to the Affidavit of David Sajecki filed with the Tribunal;

AND THE TRIBUNAL HEREBY ORDERS that:

1. the Appeals are allowed, in part;
2. the proposed redevelopment of the Lands is approved, in principle, contingent upon confirmation, satisfaction or receipt of those prerequisites matters identified in paragraph 3 of this Order;
3. the Final Order regarding the official plan amendment and zoning by-law amendment is withheld until such time as the Tribunal has been advised, in writing, by the City Solicitor that the outstanding matters, listed below, have been completed:
 - a. The final form and content of the draft Official Plan and Zoning By-law Amendments are satisfactory to the City Solicitor, and the Chief Planner and Executive Director, City Planning Division;
 - b. the Appellant has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated August 21, 2023, or as may be updated, all to the satisfaction of the Chief Engineer & Executive Director;
 - c. the Appellant has submitted a revised Transportation Demand Management Plan acceptable to, and to the satisfaction of the Chief

Planner and Executive Director, City Planning and the General Manager, Transportation Services and that matters arising from such Plan be secured, if required;

- d. the Appellant has satisfactorily addressed matters from the Urban Forestry memorandum dated August 18, 2023, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of Urban Forestry;
- e. the Appellant has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. the Appellant has secured an acceptable Tenant Relocation and Assistance Plan for tenants of the four (4) rental dwelling units proposed to be demolished at the time of application, addressing financial compensation and other assistance to lessen hardship. The Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division and implemented prior to the issuance of Notice of Approval Conditions for Site Plan Approval;
- g. the Appellant has provided an undertaking to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, to secure the Tenant Relocation and Assistance Plan required in clause f. above;
- h. The Appellant has submitted an acceptable Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and associated plans, for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- i. In the event the Functional Servicing Report, Stormwater Management Report, and/or Hydrogeological Report identify any required upgrades to existing municipal infrastructure to support the development, the Appellant has entered into a financially secured agreement(s) with the City requiring the Appellant to design,

financially secure, construct and make operational, any upgrade or required improvements, prior to the issuance of final site plan approval for any development on the lands, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

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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.