

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 27, 2024

**CASE NO(S).:**

OLT-23-000424

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

Applicant/Appellant:	Laing Sears Holdings Inc.
Subject:	Official Plan Amendment
Description:	To permit development of two 7-storey residential buildings consisting of total 227 residential units
Property Address:	46, 46R, 48, 50, 52 and 52R Laing Street
Municipality/UT:	Toronto
Municipal File No.:	22 242126 STE 14 OZ
OLT Case No.:	OLT-23-000424
OLT Lead Case No.:	OLT-23-000424
OLT Case Name:	Laing Sears Holdings Inc. v. Toronto (City)

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

Applicant/Appellant:	Laing Sears Holdings Inc.
Subject:	Zoning By-law Amendment
Description:	To permit development of two 7-storey residential buildings consisting of total 227 residential units
Property Address:	46, 46R, 48, 50, 52 and 52R Laing Street
Municipality/UT:	Toronto
Municipal File No.:	22 242126 STE 14 OZ
OLT Case No.:	OLT-23-000425
OLT Lead Case No.:	OLT-23-000424

**Heard:** June 17, 2024 by video hearing

**APPEARANCES:****Parties**

Laing Sears Holdings Inc.

City of Toronto

**Counsel**

Joe Hoffman

Adam Ward (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY K.R. ANDREWS AND  
N. ALLAM ON JUNE 17, 2024 AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to Order](#)

**INTRODUCTION**

[1] This appeal arises following a non-decision by the City of Toronto (“City”) with respect to applications for an Official Plan Amendment and Zoning By-law Amendment to facilitate development of two connected seven-storey purpose built rental buildings.

[2] Disposition of the matter has come before the Tribunal as a Settlement Hearing.

[3] Generally, the settlement revises the original proposal to modify the proposed setbacks and stepbacks to provide for more separation between the two building elements, more space for pedestrians at grade, additional stepping of the massing from Maple Leaf Forever Park, and the introduction of on-site affordable housing. The resulting plan involves a slight increase in height, a slight increase in the number of residential units, elimination of entranceways directly fronting on the public park, granting of an easement over the mid-block connection to provide public access to the park from Sears Street, and elimination of continuous balconies along the north and south facades.

[4] The Tribunal confirms that it has received, reviewed, and considered the following materials and submissions:

- i. The uncontested opinion evidence of Mike Dror (“Expert Dror”), a Registered Professional Planner and full member of the Canadian Institute of Planners, contained in their comprehensive affidavit sworn June 14, 2024 (marked as Exhibit 2);
- ii. Participant Statements filed with the Tribunal in the names of:
  - Carl Calandra; and
  - Tarek Turk;
- iii. The Parties’ oral submissions in support of the settlement; and
- iv. A draft Order jointly submitted to give effect to the relief sought.

## **DECISION**

[5] The Tribunal understands that the aforementioned sworn affidavit evidence of Expert Dror reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

[6] The Tribunal accepts the opinion evidence of Expert Dror as presented in their affidavit and similarly finds that the subject applications, as revised, represent good planning, have appropriate regard for the matters of provincial interest set out in section 2 of the *Planning Act*, are consistent with the Provincial Policy Statement, 2020, conform with the policies of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and as it relates to the Zoning By-law Amendment application, conforms with the City of Toronto Official Plan. Specifically in this regard, the applications encourage intensification, facilitate transit-supportive development,

contribute to providing greater housing options in the area, and they do so in a compatible urban form.

## **INTERIM ORDER**

[7] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [8] below, and the Official Plan Amendment set out in **Attachment 1**, and Zoning By-law Amendment set out in **Attachment 2** to this Interim Order, are hereby approved in principle.

[8] The Tribunal will withhold the issuance of its Final Order, contingent upon confirmation of the City Solicitor, of the following pre-requisite matters:

- a. The Tribunal has received, and approved, the Official Plan Amendment and Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. The Tribunal has been advised that the owner has submitted a revised Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
- c. The Tribunal has been advised that the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager,

Toronto Water, where it has been determined that improvements or upgrades are required to support the development.

[9] The Panel Members will remain seized for the purposes of reviewing and approving the final drafts of the Official Plan Amendment and Zoning By-Law Amendment, and the issuance of the Final Order.

[10] If the Parties do not submit the final drafts of the Official Plan Amendment and Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph [8] above have been satisfied, and do not request the issuance of the Final Order by **Tuesday, December 17, 2024**, 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 drafts of the Official Plan Amendment and Zoning By-law Amendment, and issuance of the Final Order by the Tribunal.

[11] The Tribunal may, as necessary, arrange the further attendance of the Parties to determine the additional timelines and deadline for the submission of the final form of the instruments, the satisfaction of the contingent prerequisites, and the issuance of the Final Order.

*“K.R. Andrews”*

K.R. ANDREWS  
MEMBER

*“N. Allam”*

N. ALLAM  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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 Official Plan Amendment (June 13, 2024)*

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO****BY-LAW No. XXXX-2023**

**To adopt an amendment to the Official Plan for the City of Toronto  
respecting the lands known municipally in the year 2023 as 46, 46R, 48, 50, 52,  
and 52R Laing Street**

Whereas authority is given to the Council of the City of Toronto under 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;

The Council of the City of Toronto enacts:

1. The attached Amendment XXX to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on \_\_\_\_\_, 20~

Frances Nunziata,  
Speaker

John D.Elvidge  
City Clerk

(Seal of the City)

*Draft Official Plan Amendment (June 13, 2024)*

City of Toronto By-law No. XXXX-2023

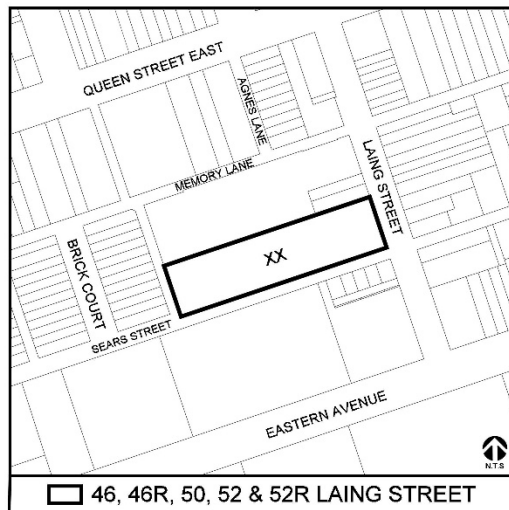
**AMENDMENT NO. XXX TO THE OFFICIAL PLAN****LANDS MUNICIPALLY KNOWN IN THE YEAR 2023 AS  
46, 46R, 48, 50, 52 AND 52R LAING STREET**

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

1. Chapter 7, Site and Area Specific Policies is amended by adding the following Site and Area Specific Policy No. XX for the lands municipally known in 2023 as 46, 46R, 48, 50, 52 and 52R Laing Street.

**XX. 46, 46R, 48, 50, 52 and 52R Laing Street**

- a. Two mid-rise apartment buildings, up to 7 storeys in height, are permitted on the subject site, notwithstanding Sections 2.58 and 2.68 of the former City of Toronto Official Plan.
2. Chapter 7, Map 32, Site and Area Specific Policies, is amended for the lands municipally known in 2023 as 46, 46R, 48, 50, 52 and 52R Laing Street, as shown on the map below as Site and Area Specific Policy No. XX.





## ATTACHMENT 2

City of Toronto By-law xxx-20~

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

### CITY OF TORONTO BY-LAW XXXX-20~

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 46, 46R, 48, 50, 52 and 52R Laing 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

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. Zoning By-law 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 zone labels of R (d 1.0) (x449) and R (x124) to a zone label of R (d 1.0) (xxxx) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2 Exception Number xxxx so that it reads:

(xxxx) Exception R xxxx

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 46, 46R, 48, 50, 52 and 52R Laing 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 (O) below:

- (B) Despite Regulations 10.5.40.10 (1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 77.28 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 10.5.40.10(2) to (5) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
  - (i) indoor **amenity space** and equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 5 metres;
  - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of indoor **amenity space** and a mechanical penthouse, may project above the height limits to a maximum of 5 metres;
  - (iii) architectural features, parapets, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 2 metres;
  - (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 3 metres;
  - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2 metres; and
  - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 4 metres;
- (D) Despite Clause 10.5.40.60, the following elements may encroach into the required minimum **building setbacks** and above-grade separation distances between **main walls** as follows:
  - (i) terraces and unenclosed or enclosed **structures** associated with terraces or **amenity spaces** to a maximum extent of the main wall

of the **storey** below;

- (ii) decks, porches, and balconies above the **first floor**, to a maximum extent of 2 metres;
  - (iii) canopies and awnings, to a maximum extent of 2 metres;
  - (iv) cladding and **solar energy** equipment and panels added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 1 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum extent of 1 metres;
  - (vi) lightwells and window projections, including bay windows and box windows, eaves and dormers, to a maximum extent of 1 metres;
  - (vii) air conditioners, satellite dishes, antennae, vents, and pipes to a maximum extent of 3 metres;
- (E) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law [Clerks to supply By-law ##];
- (F) Regulation 10.10.40.30(1) with respect to **building depth** does not apply;
- (G) Despite Regulation 10.10.40.40 (1), the permitted maximum **gross floor area** is 14,000 square metres;
- (H) Despite Regulations 10.10.40.70(1), (2), (3), and (4), and 10.10.40.80(1), the required minimum **building setbacks** and above-grade separation distances between **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to supply By-law ##];
- (I) **Parking spaces**, including accessible **parking spaces**, may be provided within a **stacked parking space**;
- (J) Despite Regulation 200.5.1.10(2), any parking spaces provided on the lot within a **stacked parking space** may have a minimum width of 2.6 metres, and be obstructed on one or two sides, as described in Regulation

200.5.1.10(2)(D), without being required to provide additional width for the obstructed sides of the **parking space**;

- (K) 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**;
- (L) Regulations 200.5.1.10(5), (6) and (14) do not apply to **stacked parking spaces**;
- (M) Despite Regulation 200.5.10.1, 3 visitor **parking spaces** are required;
- (N) Despite Regulation 200.15.1(1), accessible **parking spaces** must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres;
- (O) Despite Regulation 200.15.1(3), a barrier free aisle is not required for an accessible **parking space** located in a **stacked parking space**;
- (P) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within [##] metres of an entrance to the **building**;
- (Q) Despite Regulation 200.15.10.10(1), one accessible **parking space** is required;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.

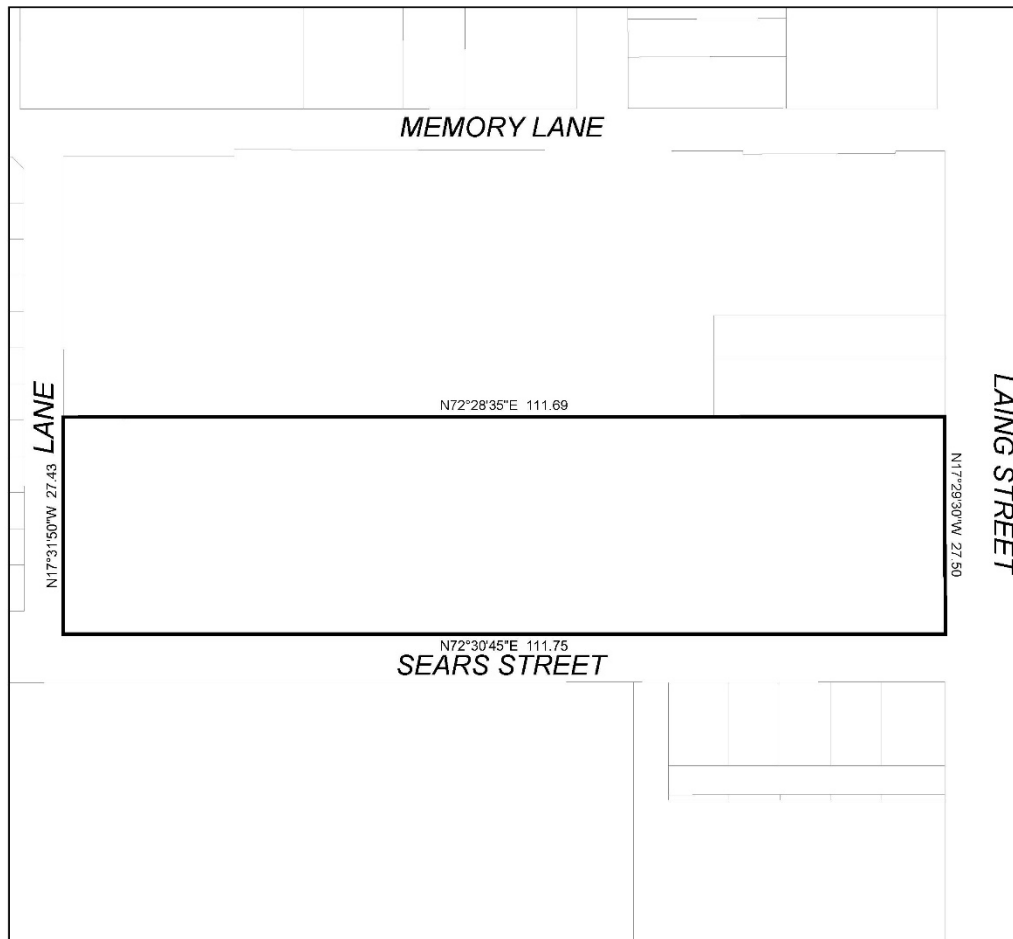
Enacted and passed on [month day, year].

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

City of Toronto By-law No. \_\_\_\_ - 2023



46, 46R, 50, 52 and 52R Laing Street, Toronto

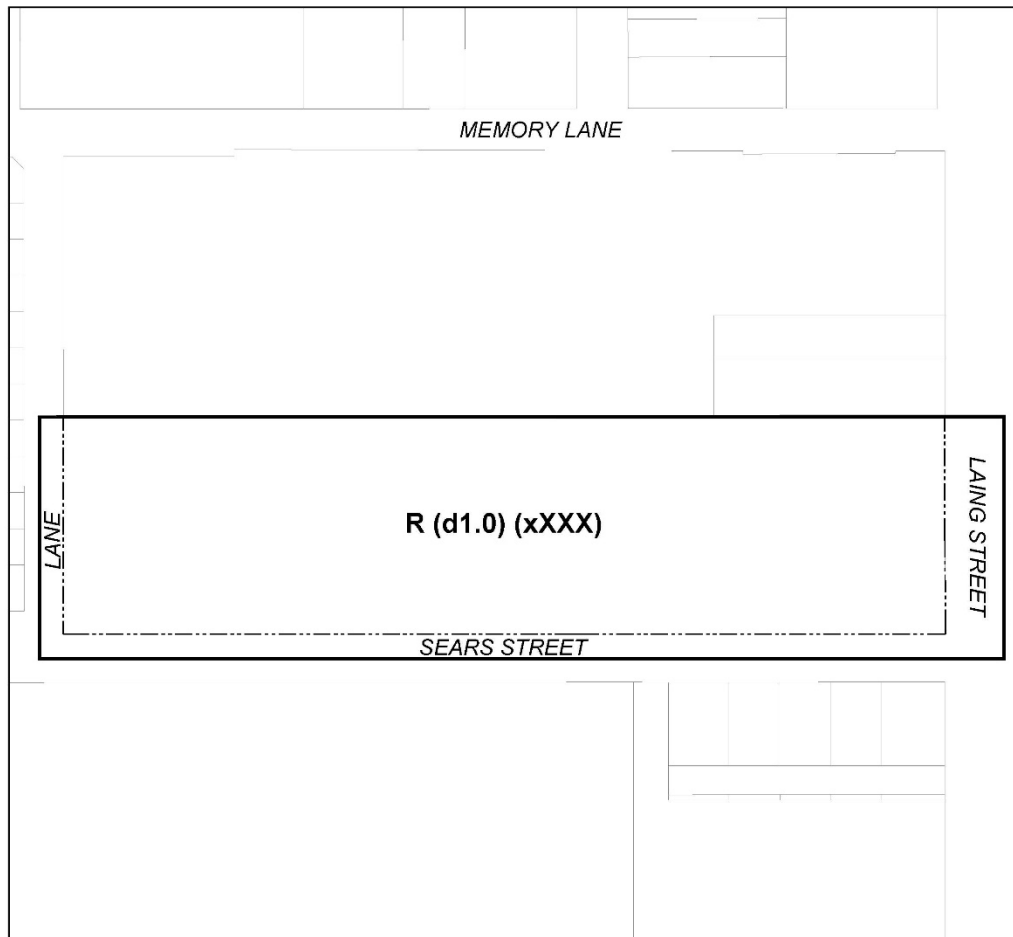
Diagram 1

File #22 242126 STE 14 OZ



Not to Scale

City of Toronto By-law No. \_\_\_\_ - 2023



**46, 46R, 50, 52 and 52R Laing Street, Toronto**

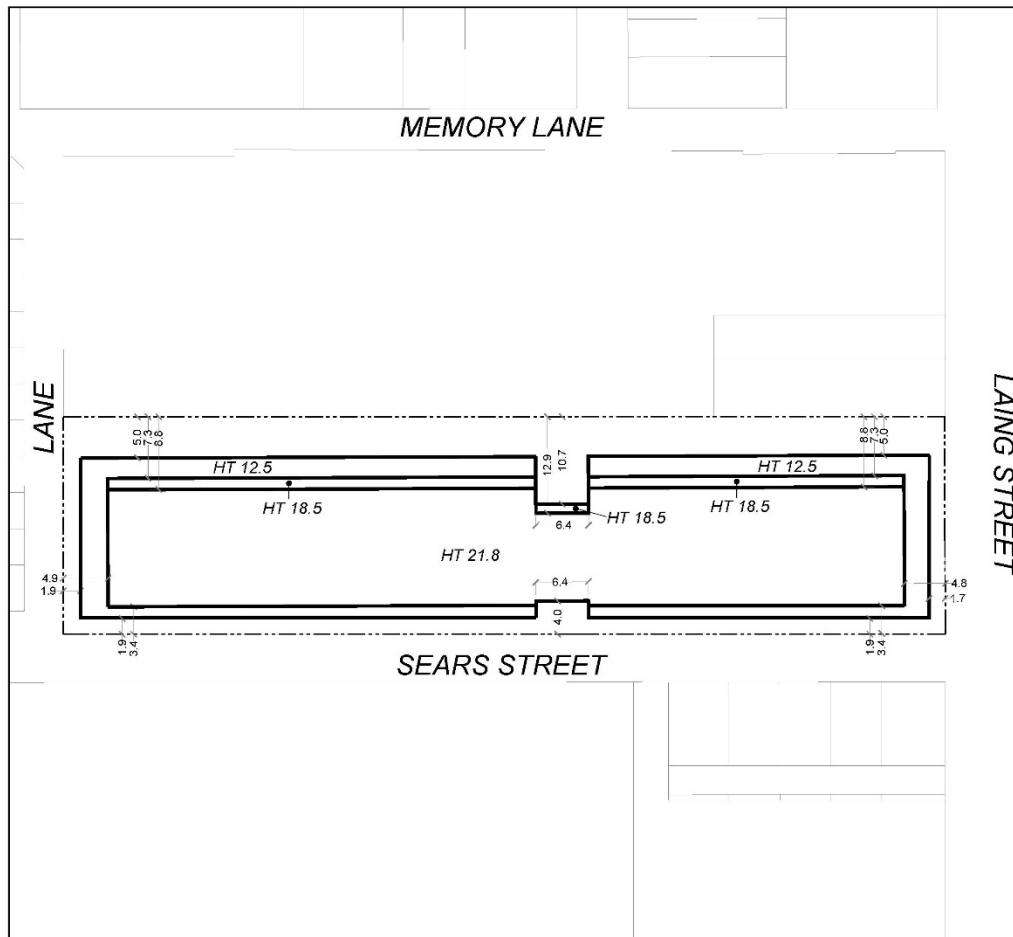
**Diagram 2**

File #22 242126 STE 14 02



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City of Toronto By-law No. \_\_\_\_ - 2023



46, 46R, 50, 52 and 52R Laing Street, Toronto

Diagram 3

File #22 242126 STE 14 OZ



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