

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



**ISSUE DATE:** November 03, 2023

**CASE NO(S):** OLT-23-000444

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

Applicant and Appellant (Jointly):	Del Boca Vista Properties Inc. and 717 Pape Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 49-storey mixed use building with office, retail and residential uses
Reference Number:	22 185 127 STE 14 OZ
Property Address:	654-668 Danforth Avenue and 717-723 Pape Avenue
Municipality/UT:	City of Toronto
OLT Case No.:	OLT-23-000444
OLT Lead Case No.:	OLT-23-000444
OLT Case Name:	Del Boca Vista Properties Inc. and 717 Pape Inc. v. Toronto (City)

**Heard:** October 5, 2023 by Video Hearing

**APPEARANCES:**

**Parties**

Del Boca Vista Properties Inc. and  
717 Pape Inc.

City of Toronto

**Counsel**

Calvin Lantz  
Jonathan Cheng (in absentia)

Jason Davidson  
Jessica Braun (in absentia)

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON  
OCTOBER 5, 2023 AND ORDER OF THE TRIBUNAL**

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## INTRODUCTION

[1] The Tribunal convened a Case Management Conference (“CMC”) in respect of an appeal filed by Del Boca Vista Properties Inc. and 717 Pape Inc. (the “Appellants”) pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Act”) from the failure of the City of Toronto (“City”) to make a decision on an Application for a Zoning By-law Amendment (“ZBA”) within the timeframe prescribed by the Act.

[2] The lands that are the subject of the ZBA are located at the northeast corner of Danforth Avenue and Pape Avenue and are known municipally as 654 through 668 Danforth Avenue and 717 through 723 Pape Avenue (the “Subject Lands”). The Appellants are seeking the approval of the ZBA to facilitate the redevelopment of the Subject Lands with a 49-storey mixed-use building proposing 496 residential units and a non-residential floor area of 4,743 square metres.

[3] The Tribunal received an Affidavit of Service, sworn August 29, 2023, marked as Exhibit 1, attesting to the giving of notice of these proceedings in accordance with the directions provided by the Tribunal.

## STATUS REQUESTS

[4] The Tribunal received one request for Party status from Metrolinx (Exhibit 2). Metrolinx is currently developing a new subway line, the Ontario Line, that will include a subway station, the Pape Station, that is proposed to be immediately adjacent to the Subject Property. Metrolinx has an interest in the ZBA to ensure compatibility between the proposed development and the proposed Pape Subway Station.

[5] No objections to the request were offered by the Parties. The Tribunal granted Metrolinx Party Status in the proceedings.

[6] Two requests for Participant status were received, the first from David Oved (Exhibit 3) and the second from Rowena Moyes on behalf of the Danforth Residents for

Appropriate Development Inc. (“DRAD”) (Exhibit 4). Mr. Oved is a resident in the immediate surrounding area and he outlined his concerns and objections to the ZBA in his request. DRAD is a newly formed group representing area residents that have concerns with the proposed redevelopment and the ZBA. Ms. Moyes was in attendance and advised that DRAD was very recently incorporated, and she undertook to provide a copy of the Articles of Incorporation to the Tribunal in support of their request for status in these proceedings.

[7] No objections were proffered by the Parties to the two requests for Participant Status. The Tribunal having received the Articles of Incorporation from Ms. Moyes, subsequent to the CMC, confirming that DRAD is incorporated grants Participant Status to DRAD and to David Oved.

## **CASE MANAGMENT**

[8] Mr. Lantz advised the Tribunal that his client is not seeking to consolidate this matter with their Appeal filed with respect to Official Plan Amendment No. 573 (“OPA 573”) which is currently before the Tribunal under OLT Case no. OLT-22-003830. He explained that at the most recent CMC conducted for the OPA 573 Appeal, there was discussion about a consolidation of the OPA 573 Appeal with this matter, however, since that CMC he has had discussions with the City’s Counsel, and they have agreed to proceed with the two matters independently.

[9] Mr. Lantz submitted a draft Procedural Order (“PO”) in advance of the CMC and confirmed that he has been in discussions with the City with respect to finalizing an Issues List. With the Parties now confirmed he anticipates that the Issues List (“IL”) can be finalized and provided to the Tribunal.

[10] Mr. Lantz advised that based on discussions with the City and Metrolinx, it is anticipated that 10 days are required for a hearing of the merits of the Appeal.

[11] The Parties expressed a willingness to participate in mediation; however, they agreed it is premature at this time. Upon the finalization of the IL, there may be an opportunity to settle this matter and therefore no need for mediation. Failing that, the Parties have requested that the Tribunal schedule the Hearing of the merits of the Appeal for the fall of 2024 to allow sufficient time to work on a settlement and participate in mediation, if necessary.

[12] The Parties suggested that a further CMC be scheduled for early in 2024 to address any procedural matters that may arise during their discussions.

[13] The Tribunal received the final PO including the IL on October 20, 2023. The Tribunal has reviewed the PO and IL and finds them acceptable.

[14] The Tribunal scheduled a 10-day hearing for the consideration of the merits of the Appeal commencing on **Monday, September 16, 2024, at 10 a.m.** by video.

[15] Parties, Participants and Interested Person 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://meet.goto.com/278736685>

**Access code:** 278-736-685

[16] Parties, Participants and Interested Persons 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>

[17] 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: **+1 (647) 497-9391 or (Toll-Free) 1-888-455-1389.** The **access code** is **as indicated above.**

[18] 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.

[19] The Tribunal schedules a further CMC to be held on **Friday, January 26, 2024**, at **9:00 a.m.** to be conducted by a Telephone Conference Call.

[20] Individuals are directed to **call 416-212-8012 or Toll Free 1-866-633-0848** on the assigned date at the correct time. When prompted, **enter the code 4779874** to be connected to the call. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to the Tribunal's Case Coordinator having carriage of this case.

[21] Participants were advised that should they wish to submit a Participant Statement other than that which was included with the Participant Status Request Form, they should consult the PO attached to this decision for the date by which it is to be filed with the Tribunal.

## **ORDER**

[22] **THE TRIBUNAL ORDERS THAT** Metrolinx is granted Party status in these proceedings.

[23] **AND THAT** David Oved and Danforth Residents for Appropriate Development Inc. are granted Participant Status in these proceedings.

[24] **AND THAT** a 10-day hearing of the merits of the Appeal shall commence on **Monday, September 16, 2024**, at **10 a.m.** by video hearing as set out in paragraphs [15] through [18] of this Order.

[25] **AND THAT** a further Case Management Conference shall be held by Telephone Conference Call on **Friday, January 23, 2024**, at **9 a.m.** as set out in paragraph [20] of this Order.

[26] **AND THAT** the Procedural Order attached at Schedule 1 to this Order shall govern the proceedings leading up to and including the hearing for this matter.

*“David Brown”*

DAVID BROWN  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.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.

## SCHEDULE 1



### Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

**CASE NO(S):** OLT-23-000444

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

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OLT Lead Case No.:	OLT-23-000444
OLT Case Name:	Del Boca Vista Properties Inc. and 717 Pape Inc. v. Toronto (City)

### PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

#### Organization of the Hearing

2. The video hearing will begin on **Monday, September 16, 2024 at 10:00 a.m.** in accordance with the following links:

Virtual Link: <https://meet.goto.com/278736685> , **Access Code:** 278-736-685

Audio-only: (Toll Free) 1 888 455 1389 or +1 (647) 497-9391, **Access Code:** 278-736-685

3. The length of the hearing will be **10 days**. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.
4. The procedural order deadlines are generally found in **Attachment 1**.
5. The parties and participants identified at the case management conference are listed in **Attachment 2** to this Order.
6. The issues are set out in the Issues List attached as **Attachment 3** to this Order. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
7. The order of evidence shall be as set out in **Attachment 4** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
8. Any person intending to participate in the hearing shall provide a mailing address, email address and a telephone number to the Tribunal. Any such person who retains a representative must advise the other parties and the Tribunal of the representative's name, address, email address and the phone number.
9. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

### **Requirements Before the Hearing**

10. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **Friday, June 28, 2024** and in accordance with paragraph 24 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified. Any challenges to the witness, including qualifications of a witness to give opinion evidence in the area of expertise proposed, shall be made by motion in accordance with the Tribunal's Rules and notice of same must be served on the other parties on or before **Monday, July 8, 2024**.
11. Expert witnesses in the same field shall have a meeting on or before **Monday, July 15, 2024** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting, the parties must prepare and file a Statement of Agreed Facts and Issues with the Tribunal case coordinator on or before **Monday, July 22, 2024**.



12. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing, the acknowledgement of expert's duty and the expert's Curriculum Vitae. Copies of this information must be provided as in paragraph 14 below. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City, such report(s) shall be provided to the other parties at the same time as the delivery of expert witness statements, as in paragraph 14 below.
13. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in paragraph 13 below. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 14 below.
14. On or before **Monday, August 5, 2024**, the parties shall provide copies of their witness and/or expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 24 below.
15. On or before **Monday, August 5, 2024**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 24 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
16. On or before **Monday, August 19, 2024**, the parties shall advise the Tribunal of whether any hearing dates scheduled for this matter may be released from the Tribunal's calendar. This request may only be made on consent of all of the parties. If no hearing dates are intended to be released from the Tribunal's calendar, no party is required to advise the Tribunal of anything further in that regard.
17. On or before **Monday, August 19, 2024**, the parties may provide to all other parties a written response to any written evidence in accordance with paragraph 24 below.
18. On or before **Monday, August 26, 2024**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 24 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.*

20. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
21. On or before **Monday, September 2, 2024**, the parties shall prepare and file a preliminary [hearing plan](#) with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
22. The Parties shall prepare a Joint Document Book which shall be shared with the OLT case coordinator on or before **Monday, September 2, 2024**.
23. If the applicant intends to seek approval of a revised proposal at the hearing, the applicant shall provide copies of the revised proposal, including all revised plans, drawings, proposed instruments, updated supporting documents, and reports, to the other parties on or before **Monday, June 10, 2024**, provided that the applicant may be relieved from updating certain of the aforementioned documents with the City's consent. The applicant acknowledges that any revisions to the proposal after that date without the consent of the Parties may be grounds for a request to adjourn the hearing.
24. All filings shall be submitted electronically. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by Rule 7.
25. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness or as permitted by paragraph 23 above. The Tribunal's Rule 17 applies to such requests.
26. The purpose of this Procedural Order and the meaning of the terms used in this Procedural Order are set out in **Attachment 5**.

**The Member is not seized.**

**So orders the Tribunal.**

**ATTACHMENT 1****SUMMARY OF DATES**

<b>DATE</b>	<b>EVENT</b>
<b>Monday, June 10, 2024</b>	Last date to provide copies of revised proposal, including all revised plans and drawings (if any)
<b>Friday, June 28, 2024</b>	Exchange of witness lists (names, disciplines and order to be called)
<b>Monday, July 8, 2024</b>	Last date to challenge identification of expert witness
<b>Monday, July 15, 2024</b>	Deadline for experts' meeting to be held
<b>Monday, July 22, 2024</b>	Agreed statement of facts and issues
<b>Monday, August 5, 2024</b>	Exchange of witness/expert statements, expert reports, written participant statements and summoned witness outlines
<b>Monday, August 19, 2024</b>	Parties to advise Tribunal if any hearing dates are to be released from the hearing calendar (if any)
<b>Monday, August 19, 2024</b>	Exchange written responses to written evidence (if any)
<b>Monday, August 26, 2024</b>	Exchange of visual evidence (if any)
<b>Monday, September 2, 2024</b>	Preliminary hearing plan filed with the Tribunal
<b>Monday, September 2, 2024</b>	Finalize and File Joint Document Book
<b>Monday, September 16, 2024</b>	Hearing commences

**ATTACHMENT 2**  
**LIST OF PARTIES AND PARTICIPANTS**

**A. PARTIES**

		<b><u>Counsel/*Agent</u></b>
1)	<b>Del Boca Vista Properties Inc. &amp; 717 Pape Inc.</b>	<p><b>Calvin Lantz</b>  Stikeman Elliott LLP  5300 Commerce Court West  199 Bay Street  Toronto, ON M5L 1B9  E-mail: clantz@stikeman.com  Tel.: 416-869-5669</p> <p><b>Jonathan S. Cheng</b>  Stikeman Elliott LLP  5300 Commerce Court West  199 Bay Street  Toronto, ON M5L 1B9  E-mail: jcheng@stikeman.com  Tel.: 416-869-6807</p>
2)	<b>City of Toronto</b>	<p><b>Jessica Braun</b>  City of Toronto, Planning and Administrative  Tribunal Law  Metro Hall, Floor 26  55 John Street  Toronto, ON M5V 3C6  E-mail: jessica.braun@toronto.ca  Tel.: 416-392-7237</p> <p><b>Jason Davidson</b>  City of Toronto, Planning and Administrative  Tribunal Law  Metro Hall, Floor 26  55 John Street  Toronto, ON M5V 3C6  E-mail: jason.davidson@toronto.ca  Tel.: 416-392-4835</p>
3)	<b>Metrolinx</b>	<p><b>Rodney Gill</b>  Goodmans LLP  333 Bay Street  Suite 3400  Toronto, ON M5H 2S7  E-mail: rgill@goodmans.ca  Tel.: 416-597-4136</p>

**B. PARTICIPANTS**

4)	<b>Danforth Residents for Appropriate Development Inc.</b>	E-mail: rowena2006@gmail.com Tel.: 647-606-9829  E-mail: admin@danforthrad.ca
5)	<b>David Oved</b>	E-mail: doved@rogers.com Tel.: 416-465-0849

**ATTACHMENT 3****ISSUES LIST****A. City of Toronto Issues List****Planning Act**

1. Does the proposed development have regard for the matters of provincial interest set out in Section 2 of the *Planning Act*, including (h), (j), (n), (p) and (r)?

**Provincial Policy Statement 2020**

2. Is the proposed development consistent with the Provincial Policy Statement as required by Section 3(5) of the *Planning Act*, including policies 1.1.1 and 1.4.3?

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

3. Does the proposed development conform to and not conflict with A Place to Grow: Growth Plan for the Greater Golden Horseshoe as required by Section 3(5) of the *Planning Act*, including policies 1.2.1, 2.2.6.1 and 2.2.6.3?

**City of Toronto Official Plan**

4. Does the proposed development conform with the policies of the City of Toronto Official Plan, including the policies related to:
  1. Healthy Neighbourhoods (2.3.1)
  2. Built Form and Public Realm (3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.13, 3.14)
  3. Housing (3.2.1)
  4. Mixed Use Areas (4.5)
  5. Implementation (5.2, 5.6)
5. Does the proposed development conform with Chapter 7, Site and Area Specific Policy 772 of the Official Plan?

**Guidelines**

6. Does the proposed development meet the intent and purpose of the Tall Building Design Guidelines (2013)?
7. Does the proposed development meet the intent and purpose of the Growing Up: Planning for Children in New Vertical Communities, Urban Design Guidelines (2020)?

8. Does the proposed development meet the intent and purpose of the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings (2019)?
9. Does the proposed development meet the intent and purpose of the Danforth Avenue (Don Valley to Coxwell) Urban Design Guidelines (2022)?

#### Land Use Planning and Urban Design

10. Do the built form characteristics of the proposed development including the height, density, massing, setbacks, separation distance and scale represent good land use planning, and good urban design? Without limiting the generality of the foregoing, does the proposed development address the following:
  - a. fit within the existing and planned built form context;
  - b. provide a gradual transition in relation to the scale and character of the surrounding area;
  - c. mitigate wind and shadow impacts on public realm, parkland and neighbouring properties;
  - d. provide for a seamless, high quality public realm and streetscape, which is consistent with City guidelines and which is coordinated with the design and function of adjacent public transit infrastructure;
  - e. reinforce the historic context and sense of place on Danforth Avenue through building design and contribution to the fine grain, highly animated street level commercial environment;
  - f. mitigate overlook and impacts on the privacy of adjacent residential uses; and
  - g. provide building setbacks and an overall built form which has regard to existing and future development conditions within the block.

#### Housing and Unit Mix

11. Does the development contribute to the creation of a range and mix of housing options in the community, including affordable housing, consistent with City and provincial objectives for development in the vicinity of transit infrastructure?
12. Does the development provide appropriate numbers and sizes of dwelling units?

#### Infrastructure

13. Does the proposed development have adequate municipal services in place to support the development, including the availability of adequate sanitary, storm and water capacity, including water pressure, and the implementation of appropriate stormwater management measures and groundwater management measures?
14. Should any improvements to the municipal infrastructure be required to support the proposed development, should the Zoning By-Law Amendment contain a (H) provision to that effect?

### Public Interest and Good Planning

15. Does the proposed development constitute good planning and is it in the public interest?

### Implementation

16. If the requested Zoning By-law Amendments are approved by the Tribunal, in whole or in part, should the Tribunal's final order be withheld until it has been advised by the City Solicitor that:
- a. the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
  - b. the owner has addressed outstanding issues in relation to site servicing and has submitted revised Functional Servicing, Stormwater Management and Hydrogeological Reports providing confirmation of water, sanitary and stormwater capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and entered into and registered a financially secured agreement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to construct, provide, make operational, and warrant any necessary upgrades to existing services and facilities or new services and facilities;
  - c. the final draft Zoning By-law includes appropriate holding provisions to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
  - d. the owner has addressed outstanding issues in relation to the requirements of Transportation Services and Solid Waste Management as set out in the memo from Development Engineering to City Planning dated April 28, 2023, to the satisfaction of the General Manager, Transportation Services and the General Manager, Solid Waste Management Services; and
  - e. arrangements have been made regarding the disposition of the applicant's appeal of Official Plan Amendment 573 (The Danforth Avenue Planning Study – Segment 2 – Don Valley to Coxwell) in accordance with the terms of adjournment under that proceeding.

### **B. Metrolinx Issues List**

#### Planning Act

1. Does the proposed Zoning By-law Amendment (the “ZBA”) have regard to Section 2 of the *Planning Act*, including but not limited to subsections 2(f), (h), (n), (p), (q), and (s)?



### Provincial Policy Statement 2020

2. Is the proposed ZBA consistent with the Provincial Policy Statement, 2020, as required by s.3(5) of the *Planning Act*, including but not limited to the following sections:
  - a. 1.1.1a), c), e), and i)
  - b. 1.1.3.2a), b), c), d), and f)
  - c. 1.1.3.3
  - d. 1.1.3.4
  - e. 1.4.3d), and e)
  - f. 1.6.8.1
  - g. 1.6.8.3
  - h. 1.7.1c), k)
  - i. 1.8.1

### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

3. Does the proposed ZBA conform to the Growth Plan for the Greater Golden Horseshoe, 2020, as required by s.3(5) of the *Planning Act*, including but not limited to the following sections?
  - a. 2.2.1.2a)iii) and c)iii)
  - b. 2.2.1.3c)
  - c. 2.2.1.4d), and e)
  - d. 2.2.4.1
  - e. 2.2.4.8
  - f. 2.2.4.9
  - g. 2.2.4.10

### City of Toronto Official Plan

4. Does the proposed ZBA conform to the Official Plan, including but not limited to the following policies: 2.1(1)(b), 2.2(4), 3.1.3(1)-(13), 3.1.4(7) –(12), 3.2.1, and 4.5?

### Site-Specific Issues

5. Are the proposed tower placement, tower setback, and angular planes appropriate, representing good planning?
6. Do the proposed edge interface conditions provide appropriate transition to the Metrolinx Lands?
7. Does the Proposed Development provide appropriate pedestrian and vehicular connections to, and generate no inappropriate transportation impact on, the Metrolinx Lands?

8. Does the Proposed Development unduly restrict the existing use and future development potential of the Metrolinx Lands?

**C. Del Boca Vista Properties Inc. & 717 Pape Inc. Issues List**

1. Does Chapter 7, Site and Area Specific Policy 772 of the Official Plan apply to the proposed development, and if so, what weight should be given to this Site and Area Specific Policy when considering the proposed development?
2. Do the Tall Building Design Guidelines (2013) apply to the proposed development, and if so, what weight should be given to these guidelines when considering the proposed development?
3. Do the Growing Up: Planning for Children in New Vertical Communities, Urban Design Guidelines (2020) apply to the proposed development, and if so, what weight should be given to these guidelines when considering the proposed development?
4. Do the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings (2019) apply to the proposed development, and if so, what weight should be given to these guidelines when considering the proposed development?
5. Do the Danforth Avenue (Don Valley to Coxwell) Urban Design Guidelines (2022) apply to the proposed development, and if so, what weight should be given to these guidelines when considering the proposed development?
6. Is it appropriate for the final draft Zoning By-law to include holding provisions, and if so, what should be the conditions for lifting the holding provisions?

**ATTACHMENT 4**  
**ORDER OF EVIDENCE**

1. Del Boca Vista Properties Inc. & 717 Pape Inc.
2. City of Toronto
3. Metrolinx
4. Del Boca Vista Properties Inc. & 717 Pape Inc. in reply (as needed)

## ATTACHMENT 5

Meaning of terms used in the Procedural Order:

A **party** is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. An **unincorporated group** cannot be a party and it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer and may have an agent speak for them. The agent must have written authorisation from the party.

**NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Section 17 of the Ontario Land Tribunal Act states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant

cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

**Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

**Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss; and a list of reports or materials that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons supporting their opinions and conclusions and (5) a list of reports or materials that the witness will rely on at the hearing. An expert witness statement must be accompanied by an acknowledgement of expert's duty.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a statement of the participant's position on the appeal; a list of the issues which the participant wishes to address and the submissions of the participant on those issues; and a list of reports or materials, if any, which the participant wishes to refer to in their statement.

#### Additional Information

A **summons** may compel the appearance of a person before the Tribunal who has not agreed to appear as a witness. A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons through a request. (See [Rule 13](#) on the summons

procedure.) The request should indicate how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the information provided in the request that the evidence is relevant, necessary or admissible, the party requesting the summons may provide a further request with more detail or bring a motion in accordance with the Rules.

**The order of examination of witnesses** is usually direct examination, cross-examination, and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.