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| **Ontario Land Tribunal** |  |
| Tribunal ontarien de l’aménagement du territoire |

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| **ISSUE DATE:** | February 29, 2024 | **CASE NO(S).:** | OLT-23-000596 |

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| **PROCEEDING COMMENCED UNDER subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended** |
| Applicant and Appellant: | Queenscorp (Royal York) Inc. |
| Subject: | Application to amend the Zoning By-law – Refusal or neglect to make a decision |
| Description:  | To permit a 967-unit mixed use development |
| Reference Number: | 22 144668 WET 03 OZ |
| Property Address:  | 2-10 Queen Elizabeth Blvd., 506-522 Royal York Rd and 3-15 Sinclair St |
| Municipality/UT:  | City of Toronto / City of Toronto |
| OLT Case No.:  | OLT-23-000596 |
| OLT Lead Case No.:  | OLT-23-000596 |
| OLT Case Name:  | Queenscorp (Royal York) Inc. v. Toronto (City) |
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| **Heard:** | February 26, 2024 via Video Hearing |

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| **APPEARANCES:** |  |
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| **Parties** | **Counsel** |
|  |  |
| Queenscorp (Royal York) Inc. | I. Kagan, S. Kagan, (in absentia) |
|  |  |
| City of Toronto | M. Mahoney, M. Lafortune, (in absentia) |

MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON FEBRUARY 26, 2024, AND ORDER OF THE TRIBUNAL

**INTRODUCTION**

1. This is the second Case Management Conference (“CMC”) respecting an appeal filed by Queenscorp (Royal York) Inc. on an application for a Zoning By-law Amendment (“ZBA”) pursuant to section 34(11) on the failure of the City of Toronto (“City”) to make a decision within the statutory timeframe.
2. The Subject Property is made up of 11 parcels of land that are municipally known as 2-10 Queen Elizabeth Blvd., 506-522 Royal York Rd., and 3-15 Sinclair St., Etobicoke, in the City.
3. The application proposes a total of 967 residential units with a total of 1,075 vehicular parking spaces. The proposal is a mixed-use development consisting of three buildings on two parcels of land. Parcel 1 is located to the north of Queen Elizabeth Boulevard, and Parcel 2 is located to the south. The application proposes a total of 967 residential units, of which 65% are one-bedroom units, 30 precent are two-bedroom units, and five precent are three-bedroom units.
4. Parcel 1 proposes a ten-storey mid-rise building with frontage onto Royal York and two towers with heights of seventeen and thirty-five-storeys connected by an eight storey base building containing 5,000 square metres of non-residential gross floor area. A 646 m2 open space is in the middle of Parcel 1, fronting Queen Elizabeth Boulevard. On Parcel 2, a twenty-storey mixed-use building containing employment gross floor area is proposed, containing 1,000 square metres of non-residential gross floor area. Frontages are along Sinclair Street (129 metres), Royal York Road (141 metres), and Queen Elizabeth Boulevard (180 metres).

**CONFIRMATION OF STATUS**

1. At the first CMC, the Tribunal provided Mr. Russo with an explanation of the responsibilities associated with both Party and Participant status. In an email received by the Case Coordinator on February 9, 2024, Mr. Russo indicated he would continue to participate in this matter under Participant status. Having provided his submission of September 15, 2023, the Tribunal indicated that his comments would continue to remain on file for consideration during the merit hearing.

**Mediation**

1. The Parties indicated they have now secured three days beginning March 1, 2024, for Tribunal-led mediation. Both Parties are encouraged by the discussions held thus far and are hopeful that the issues identified in the draft Procedural Order (“PO”) and Issues List (“IL”) submitted to the Tribunal on February 15, 2024, will be fully discussed in an effort to resolve or reduce those in dispute. In an effort to keep the discussions focussed on the issues identified, the Parties requested that the draft PO be approved at this time while leaving the opportunity to amend the PO and IL once mediation has concluded.

**Next Steps**

1. The Tribunal having been advised by the Appellant that there are no concerns with the Issues list and timelines submitted with the draft PO, approves the draft PO and IL to govern the proceedings leading up to and including the Hearing of the merits.
2. The Parties are directed to advise the Tribunal if a settlement has been reached or to submit any amendments to the draft Procedural Order no later than **Friday March 29, 2024.**
3. The Tribunal inquired as to whether there were any other matters to be addressed which might assist in the fair, just and expeditious resolution of this matter. The Parties indicated that there were none.

**ORDER**

1. **THE TRIBUNAL ORDERS** that the attached Procedural Order inclusive of identified Issues list will govern the proceedings leading up to and including the Hearing of the merits.
2. **THE TRIBUNAL ORDERS** that anyrequestedamendments to the attached Procedural Order and Issues List be advanced to the Case Coordinator on or before **Friday March 29, 2024**, for final consideration and approval by the Tribunal.
3. This Member is not seized but will continue to manage this file.
4. This Member remains available through the Case Coordinator should the need arise.

*“D. Chipman”*

 D. CHIPMAN

MEMBER

**Ontario Land Tribunal**

Website: [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.



**OLT Case No.** OLT-23-000596

**ONTARIO LAND TRIBUNAL**

Tribunal ontarien de l’aménagement du territoire

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

Applicant and Appellant: Queenscorp (Royal York) Inc.

Subject: Application to amend the Zoning By-law – refusal or neglect to make a decision

Description: To permit a 967-unit mixed use development

Reference Number: 22 144668 WET 03 OZ

Property Address/

Description: 2-10 Queen Elizabeth Blvd., 506-522 Royal York Rd and 3-15 Sinclair St

Municipality/UT: City of Toronto / City of Toronto

Municipality File No: 17 277580 NNY 16 OZ

OLT Case No.: OLT-23-000596

OLT Lead Case No.: OLT-23-000596

OLT Case Name: Queenscorp (Royal York) 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**

1. The video hearing will begin on **Tuesday**, **August 6, 2024** at **10:00 a.m.** via videoconference.
2. The parties’ initial estimation for the length of the hearing is **12 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.
3. The parties and participants identified at the case management conference are set out in **Attachment 1** (*see* **Attachment 2** *for the meaning of these terms*).
4. The issues are set out in the Issues List attached as **Attachment 3**. Except for scoping or removing issues, there will be no changes to this list unless the Tribunal permits. A party who asks for changes may have costs awarded against it.
5. The order of evidence shall be as listed 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.
6. Any person intending to participate in the hearing should provide a mailing address, email address and telephone number to the Tribunal as soon as possible – ideally before the case management conference. Any such person who will be retaining a representative (legal counsel or agent) should advise the other parties and the Tribunal of the representative’s name, address, email address and the phone number as soon as possible.
7. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal’s [Video Hearing Guide](https://olt.gov.on.ca/tribunals/lpat/lpat-process/video-hearings/), available on the Tribunal’s website.

**Requirements Before the Hearing**

1. 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, March 8, 2024** and in accordance with paragraph 23 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 party who intends to challenge a witnesses qualifications shall advise the other parties of same within 14 days of receiving the witness list.
2. A party who intends to challenge the qualifications of a witness to give opinion evidence in the area of expertise proposed shall do so by motion in accordance with the Tribunal’s Rules and notice of same must be served on the other Parties on or before **Friday, March 22, 2024**.

1. Expert witnesses in the same field shall have a meeting on or before **Friday, April 19, 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 OLT case co-ordinator on or before **Friday, May 3, 2024**. Any discussions held at a meeting of expert witnesses shall be considered confidential and without prejudice, and shall not be shared at the hearing, with the exception of the Statement of Agreed Facts and the remaining issues to be addressed at the hearing resulting from any such meeting.
2. 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. Copies of this must be provided in accordance with paragraph 14 below. The Expert Witness Statement shall also include: an acknowledgement of expert’s duty form and the area(s) of expertise. 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.
3. 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 in accordance with paragraph 14 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.
4. On or before **Friday, June 7, 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 23 below.
5. On or before **Friday, June 7, 2024**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 23 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
6. On or before **Friday, July 5, 2024** parties shall provide copies of their Reply Witness Statements, if any, to all other parties and the OLT case co-ordinator in accordance with paragraph 23 below.
7. On or before **Tuesday, July 16, 2024**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 23 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
8. The parties shall cooperate to prepare a Joint Document Book, which shall be uploaded to the OLT’s file share server, pursuant to the directions provided by the OLT case co-ordinator, on or before **Tuesday, July 23, 2024.**
9. A person wishing to change written evidence, including witness statements, after Witness Statements and Reply Witness Statements have been filed 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.*
10. A party who provides written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the party notifies the Tribunal on or before **Friday, July 26, 2024** that the written evidence is not part of their record.
11. 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 which the Applicant intends to reply upon, to the other Parties on or before **Friday, February 9, 2024**. The applicant acknowledges that any revisions to the proposal after that date without the consent of the parties or leave of the Tribunal, may be grounds for a request to adjourn the hearing. The Parties acknowledge that this requirement does not apply to revisions to the proposal which address or resolve issues raised by the other parties.
12. The parties shall prepare and file a preliminary [hearing plan](https://olt.gov.on.ca/tribunals/lpat/lpat-process/hearing-plans/) with the Tribunal on or before **Friday, July 26, 2024** 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.
13. All filing shall be electronic and in hard copy. 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.
14. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal’s Rule 17 applies to such requests.
15. A summary of the various filing dates is contained in **Attachment 5**.

This Member is not seized.

So orders the Tribunal.

**ATTACHMENT 1**

PARTIES & PARTICIPANTS

**PARTIES**

**1. Queenscorp (Royal York) Inc.**

Ira T. Kagan and Sarah R. Kagan

 Kagan Shastri DeMelo Winer Park LLP

 188 Avenue Road

Toronto, ON M5R 2J1

 Tel: 416.368.2100 ext. 226/243

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2. **City of Toronto**

Michelle LaFortune / Michael Mahoney
Legal Services

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Email: michelle.LaFortune@toronto.ca / Michael.Mahoney@toronto.ca

**PARTICIPANTS**

1. **Jeff Russo**

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 Etobicoke, Ontario, M8Y 2Z8

 Tel: (416) 252- 7800

 Email: jeffr@profitnessprogram.com

**ATTACHMENT 2**

***Meaning of Terms used in the Procedural Order***

***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. If an* ***unincorporated group*** *wishes to become a party, 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 the witness’ opinions on those issues; and a list of reports 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 for the opinions and (5) a list of reports 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 agree 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](https://olt.gov.on.ca/about-olt/law-policy/) *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.*

**ATTACHMENT 3**

ISSUES LIST[[1]](#footnote-1)

**CITY OF TORONTO LIST OF ISSUES**

Planning Act

1. Does the proposed development have appropriate regard to the matters of Provincial interest in Section 2 of the Planning Act, including but not limited to subsections 2 (d), (f), (j) (q) and (r)?

Provincial Policy Statement

1. Is the proposed development consistent with the Provincial Policy Statement, 2020, including but not limited to policy 1.1.1, 1.5.1(a), 1.3.1(d), 1.3.2.2, 1.3.2.3, 1.6.6.1 and 4.6?

Growth Plan

1. Does the proposed development conform with and not conflict with the Growth Plan for the Greater Golden Horseshoe, 2020, including but not limited to policy 2.2.1.4 (c)&(d), 2.2.5.7 (a) and 2.2.5.8?

City Of Toronto Official Plan

1. Does the proposed development conform with the policies of the City of Toronto Official Plan, including but not limited to:
	1. 2.2.4 Employment Areas: Supporting Business and Employment Growth policies of the Official Plan;
	2. 3.1.1 The Public Realm policies of the Official Plan;
	3. 3.1.3 The Built Form policies of the Official Plan;
	4. 3.1.4 The Built Form – Building Types) policies of the Official Plan;
	5. 3.2.1 The Housing policies of the Official Plan;
	6. 3.2.3 Parks and Open Spaces policies of the Official Plan;
	7. 4.5 Mixed Use Areas policies of the Official Plan;
	8. 4.6 Employment Areas policies of the Official Plan.
2. Does the proposed development fulfill the mixed-use development requirements specified in Site and Area Specific Policy 807, in regard to:
	1. The land use permissions?
	2. The land use compatibility requirements?
	3. The affordable housing requirements?
	4. The public park requirement?
3. Has the Applicant provided a Compatibility/Mitigation Study related to the proposed use(s) on portion of the subject site designated Core Employment Areas, as required by Site and Area Specific Policy 807?

Guidelines

1. Does the proposed development meet the general intent and purpose of the Council approved City of Toronto Design Guidelines, including but not limited to Tall Building Design Guidelines and Mid-Rise Buildings Performance Standards and Addendum?
2. Does the proposed development meet the intent and purpose of the Growing Up: Planning for Children in New Vertical Communities (2020)?

Site-Specific Issues

1. Is the site organization and built form of the proposed development appropriate, including:
	1. Is the proposed mid-rise building massing located along Royal York Road appropriate?
	2. Is the height, massing and setbacks of the proposed tower base buildings appropriate?
	3. Are the proposed tower stepbacks appropriate?
	4. Is the proposed development appropriately organized and massed to limit shadow impacts and provide access to direct sunlight and daylight on the surrounding streets, proposed open spaces, proposed public park and outdoor amenity?
	5. Is the proposed public parkland dedication appropriate in terms of the location, quantity, quality, and interface with surrounding buildings and public realm?
	6. Does the proposed development limit the impact of pedestrian level wind on the public realm and amenity areas?
2. Does the proposed development plan for active transportation?
3. Does the proposal consolidate and reduce vehicular loading and driveways to provide dedicated areas for pedestrians and open spaces?
4. Has the applicant successfully acquired the publicly owned right-of-way (public laneway) that forms part of the development site?
5. Does the proposed development appropriately screen the loading and service areas from the public realm?
6. Does the proposed development and zoning by-law amendment provide sufficient TDM measures, parking and loading for the development?
7. Does the proposed development resolve issues related to transportation, including loading spaces requirements?
8. Are the water, wastewater, stormwater, and other essential infrastructure of the site and surrounding areas and other relevant areas, able to accommodate the proposed development?

Public Interest and Good Planning

1. In light of the foregoing issues, do the proposed development and proposed Zoning By-law Amendment represent good planning and good urban design, and is approval of the proposal in the public interest?

Order if Approved

1. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, should the Tribunal withhold its Order(s) on the Zoning By-law Amendment until City Solicitor has confirmed that the following conditions have been satisfied:

a. The final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

b. The owner has submitted a Functional Servicing Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

c. The owner has submitted revised architectural plans that includes the disclaimer as outlined in Section A 2.1 of the memorandum from Engineering and Construction Services, dated February 23, 2023, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

d. The owner has submitted a revised Hydrogeological Assessment Report and Hydrological Review Summary Form to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

e. The owner has made satisfactory arrangements with Engineering and Construction Services and has entered into the appropriate agreements with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the proposed development, according to the accepted Functional Servicing Report and Traffic Impact Study to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

f. The owner has provided space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law, Chapter 681-10, and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

g. The owner has submitted a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning.

h. The submitted Land Use Compatibility/Mitigation Study (Air Quality and Noise), dated December 19, 2022, prepared by RWDI Consultants, has been peer reviewed by a third-party consultant retained by the City at the owner's expense to confirm the proposed Core Employment Areas and General Employment Areas uses are compatible with the proposed residential uses, as required by Site and Area Specific Policy 807, and the owner agrees to implement any necessary air quality, noise or land use compatibility control measures and recommendations identified through the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

i. The submitted Noise and Vibration Impact Study, dated December 19, 2022, prepared by GHD Consultants, has been peer reviewed by a third-party consultant retained by the City at the owner's expense and the owner agrees to implement the noise and vibration control measures and recommendations identified through the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

j. The owner has entered into one or more agreements, including a restriction pursuant to Section 118 of the Land Titles Act registered on title to the lands, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure how the affordable housing requirements would be provided in the development.

k. The owner has secured an acceptable Tenant Relocation and Assistance Plan for tenants of the existing rental dwelling units proposed to be demolished, addressing financial compensation and other assistance to lessen hardship, and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and implemented prior to the issuance of Notice of Approval Conditions for Site Plan Control approval.

l. The owner has provided an undertaking to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the Tenant Relocation and Assistance Plan as required in Condition k. above.

m. The owner has revised the site plan and architectural drawings to provide adequate space for a bus shelter and bus operations located at Royal York Road south of Sinclair Street to replace the existing stop located along the frontage of the site to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the Chief Executive Officer, Toronto Transit Commission.

n. The owner has revised the site plan and architectural drawings to provide an adequate Wheel-Trans drop-off area and provided a Vehicular Maneuvering Diagram to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the Chief Executive Officer, Toronto Transit Commission.

o. The owner has submitted a revised Energy Strategy Report to the satisfaction of the Executive Director, Environment and Climate Division.

p. The owner will construct and maintain the development in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application for each building.

q. The owner has submitted a revised Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager, Parks, Forestry and Recreation.

r. The owner has provided an on-site parkland dedication in a size, location and configuration that is to the satisfaction of the General Manager, Parks, Forestry and Recreation.

s. The owner has submitted a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning.

t. The owner has submitted revised site plan and architectural drawings to illustrate the required public sidewalk widths and on-site passenger pick-up and drop-off facilities as outlined in Section A 1.1 of the memorandum from Engineering and Construction Services, dated October 30, 2023, to the satisfaction of the General Manger of Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services.

u. The owner has applied to Transportation Services and obtained City Council's approval on the closure and purchase of the City-owned lands included as part of the development site and entered into and finalized any appropriate agreements with the City to purchase City-owned lands.

v. The owner has revised the site plan and architectural drawings to illustrate the required road widening of 0.4 metres along 514-516 Royal York Road and 3.44 metres along 520-522 Royal York Road to be conveyed through the Site Plan Control review process to the satisfaction of the General Manager, Transportation Services, and the City Solicitor.

w. The owner has provided an on-site parkland dedication in a size, location and configuration that is to the satisfaction of the General Manager, Parks, Forestry and Recreation.

**ATTACHMENT 4**

ORDER OF EVIDENCE

1. Queenscorp (Royal York) Inc.
2. City of Toronto
3. Queenscorp (Royal York) Inc. in reply

**ATTACHMENT 5**

SUMMARY OF FILING DEADLINES

|  |  |
| --- | --- |
| **EVENT** | **DATE** |
| First Case Management Conference  | **Tuesday, October 3, 2023** |
| City’s Issues List Deadline | **Friday, December 29, 2023** |
| Deadline for interested parties to decide status | **Friday, December 29, 2023** |
| Deadline for revised plans | **Friday, February 9, 2024** |
| Procedural Order to be filed with Tribunal | **Thursday, February 15, 2024** |
| Second Case Management Conference | **Monday, February 26, 2024** |
| Parties to exchange their List of Witnesses  | **Friday, March 8, 2024**  |
| Deadline to challenge expert witness qualifications | **Friday, March 22, 2024** |
| Expert Witness Meeting(s) deadline  | **Friday, April 19, 2024** |
| Agreed Statement of Facts and Issues filed | **Friday, May 3, 2024** |
| Parties to exchange their Witness and Expert Witness Statements  & Participants to provide their Participant Statements  | **Friday, June 7, 2024** |
| Parties to exchange their Reply Witness Statements | **Friday, July 5, 2024** |
| Parties to exchange their Visual Evidence | **Tuesday, July 16, 2024** |
| Parties to advise Tribunal if written evidence is no longer part of their record  | **Friday, July 26, 2024** |
| Preliminary Hearing Plan filed | **Tuesday, July 23, 2024** |
| Joint Document Book filed  | **Friday, July 26, 2024** |
| OLT Hearing Commences  | **Tuesday, August 6, 2024** |

1. **Note: The identification of an issue does not mean that all parties agree that such**

**issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.** [↑](#footnote-ref-1)