

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 28, 2024

CASE NO.: OLT-23-000649

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

Applicant/Appellant:	The R. W. Bloor Street Development Corporation
Subject:	Request to amend the Official Plan – Refusal of request
Description:	To permit a 94-storey mixed-use building
Reference Number:	23 120557 STE 11 OZ
Property Address:	15 - 19 Bloor Street W
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-23-000649
OLT Lead Case No:	OLT-23-000649
OLT Case Name:	The R.W. Bloor Street Development Corporation v. Toronto (City)

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

Applicant/Appellant:	The R. W. Bloor Street Development Corporation
Subject:	Application to amend the Zoning By-law – Refusal of application
Description:	To permit a 94-storey mixed-use building
Reference Number:	23 120557 STE 11 OZ
Property Address:	15 - 19 Bloor Street W
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-23-000650
OLT Lead Case No:	OLT-23-000649

Heard: November 1, 2024, in writing

APPEARANCES:**Parties****Counsel**

The R. W. Bloor Street Development Corporation (“Applicant/Appellant”)

Joe Hoffman
David Bronskill

Mizrahi Development Group (The One) Inc.

Jessica Jakubowski
Mary Ellen Bench

Toronto Standard Condominium Corporation No. 2208

Robert Miller
Grace O’Brien

City of Toronto

Michelle LaFortune
Jessica Braun

ABC Residents Association

Andrew Biggart

Alvarez & Marsal Canada Inc.

Aaron Platt
Brendan Ruddick

DECISION DELIVERED BY L.P. YOU AND SHARYN VINCENT ON NOVEMBER 1, 2024 AND INTERIM ORDER OF THE TRIBUNAL

[1] This appeal arises from The R.W. Bloor Street Development Corporation (“Appellant”) against the City of Toronto (the “City”) regarding the City’s refusal to make a decision with respect to applications to amend the City’s Official Plan and Zoning By-law to permit a redevelopment of the lands municipally known as 15-19 Bloor Street West (“Subject Lands”). These applications would facilitate the development of a 94-storey mixed-use building on the Subject Lands.

[2] The Tribunal had been advised by the Appellant on October 29, 2024, that a full settlement had been reached between the Parties, who have, as a result, jointly tendered affidavit evidence and amending instruments for the consideration of, and approval by the Tribunal.

CONTEXT

[3] The development as herein approved incorporates two properties, located immediately bordered by Bloor Street West to the north, Balmuto Street to the west, and by a public laneway (known as Lane South Bloor East Balmuto) to the south. The Subject Lands are located in the City's neighbourhood known as Bay-Cloverhill (No. 169) and have access to diverse community amenities and facilities as described in the section of "General Context" of Mr. Ferancik's Affidavit.

[4] The proposed settlement offer endorsed by the City Council reflected the built-form and massing design reached through the mediation process among the Parties. The changes to the original proposal are detailed as follows:

Proposal/statistics	Original Proposal (March 2023)	Settlement Proposal (March 2024)
Total Gross Floor Area (m ²)	76,787	74,842
Residential Gross Floor Area (m ²)	78,495	74,052
Non-residential Gross Floor Area (m ²)	272	791
FSI(Net)	61.6	59.65
Building Height (Storeys)	94	99
Studio units (% of overall)	84 (7%)	297 (23%)
One-bedroom Units (% of overall)	593 (48%)	663 (51%)
Two-bedroom Units (% of overall)	459 (36%)	201 (16%)
Three-bedroom Units (% of overall)	126 (10%)	129 (10%)
Total Residential Units	1,262	1,290
Vehicle Parking Spaces	70	78
Bicycle Parking Spaces	1,262	1,290

EVIDENCE

[5] The Tribunal is in receipt of the uncontested opinion evidence contained in the sworn Affidavit from Andrew Ferancik, dated October 29, 2024 (marked as “**Exhibit 1**”).

[6] The Tribunal recognised Mr. Ferancik, a registered Professional Planner and full member of the Canadian Institute of Planners and Ontario Professional Planners Institute with over 20 years of professional land use planning experience, being qualified to assist the Tribunal with opinion evidence in the area of land use planning.

[7] The settlement proposal provides for a built form of intensification that will improve the supply of a range of housing, reduce car dependency, expand and enhance the public realm with a Privately Owned Public Space (“POPS”) area, and enhance the use of the transit and other area infrastructure, as well as active transportation.

[8] The Tribunal, having reviewed and considered all the filed materials and uncontested expert evidence from Mr. Ferancik, is hereby satisfied and accepts the opinions of Mr. Ferancik that the revised proposal has appropriate regard for the relevant matters of provincial interest as set out in s. 2 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, is consistent with the Provincial Policy Statement, 2024, conforms to the City Official Plan, represents good planning and is in public interest.

ORDER

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

1. the appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in below, and the Official Plan Amendment and Zoning By-law Amendment set out in Attachments 1 and 2 to this Interim Order, are hereby approved in principle.

2. The Tribunal will withhold the issuance of its Final Order contingent upon confirmation of the City Solicitor, of the following matters:
 - a. the final form and content of the Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. the owner has revised the Functional Servicing and Stormwater Management Report, Hydrogeological Report, Hydrological Review Summary, and Groundwater Summary to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. all comments from Engineering and Construction Services contained in their April 21, 2023 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d. the owner has made satisfactory arrangements for the construction of any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development; and
 - e. the owner has submitted a revised shadow study and pedestrian wind study, including the identification of any required wind mitigation measures to be secured in the Zoning By-law Amendment and through the site plan control process, to the

satisfaction of the Chief Planner and Executive Director, City
Planning

[10] The Panel Member will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and Zoning By-Law Amendment and the issuance of the Final Order.

[11] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call 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.

“L.P. You”

L.P. YOU
MEMBER

“Sharyn Vincent”

SHARYN VINCENT
VICE-CHAIR

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.

ATTACHMENT 1

City of Toronto By-law XXX-2023

**CITY OF TORONTO
BY-LAW XXX-2024 [OLT]**

**To adopt Amendment No. XXX to the Official Plan for the City of Toronto
respecting the lands municipally known in the year 2024 as 15 - 19 Bloor Street
West in the City of Toronto**

Whereas the Owner of the lands known municipally in the year 2024 as 15-19 Bloor Street West appealed a proposed Official Plan Amendment to the Ontario Land Tribunal pursuant to subsection 22(7) of the Planning Act, R.S.O. 1990, cP.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision issues on _____, approved amendments to the Official Plan for the City of Toronto with respect to the lands known municipally as 85-95A Bloor Street West;

The Council of the City of Toronto enacts as follows:

1. The attached Amendment No. XXX to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted on XXX XXX 2024.

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS
15 - 19 BLOOR STREET WEST**

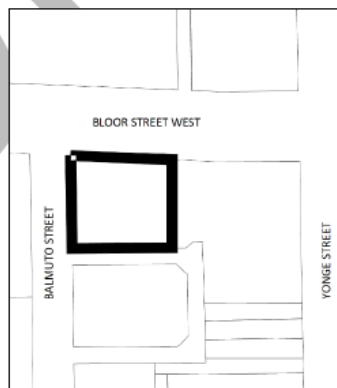
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 41, Downtown Secondary Plan is amended by adding a new bullet point to Section 17, Site and Area Specific Policies "15-19 Bloor Street West".
2. Site and Area Specific Policies is amended by adding the new Site and Area Specific Policy YYY and associated map as follows.

"XXX. 15 - 19 Bloor Street West

1. On the lands municipally known in the year 2024 as 15-19 Bloor Street West, as shown on Map 1 below, and notwithstanding 6.7 of Official Plan Amendment 406 (Downtown Secondary Plan), the existing amounts of non-residential and office gross floor area are not required to be retained.
2. The minimum non-residential floor area within the development is 790 square metres.
3. Map 28, Site and Area Specific Policies of the Official Plan of the City of Toronto is revised by adding the lands municipally known in the 2024 as 15-19 Bloor Street West, shown as Site and Area Specific Policy YYY.

Schedule 1



ATTACHMENT 2

CITY OF TORONTO BY-LAW XXX-2024 [OLT]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 15 - 19 Bloor Street West in the City of Toronto

Whereas the Ontario Land Tribunal, by its Decision issued on _____ and its Order issued on _____, in respect of Tribunal File _____, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 15-19 Bloor Street West; and,

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; and

The Ontario Land Tribunal 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 990.11 respecting the lands outlined by heavy black lines from a zone label of CR 7.8 (c4.5; r7.8) SS1 (x2486) to a zone label of CR 63.0 (c0.5; r62.5) SS1 (xXXX) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number XXX so that it reads:

(XXX) Exception CR XXX

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 15 - 19 Bloor Street West, if the requirements of By-law XXX-2024 [OLT] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to () below:
- (B) Despite Regulation 5.10.30.20 (1), the **front lot line** is the north **lot line**

fronting Bloor Street West;

- (C) Despite Regulation 40.10.40.1(1), for a **mixed use building** all residential use portions of a **building** must be located above non-residential use portions of a **building**, other than:
 - (i) residential lobby access;
 - (ii) residential **bicycle parking spaces**;
 - (iii) residential **amenity** uses; and,
 - (iv) mechanical spaces and or **building** service uses;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Elevation of 115.55 and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(1) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law XXX-2024 [OLT];
- (F) Despite (E) above and (O) below, no part of a **building** or **structure** may penetrate an angular plane projected as follows:
 - (i) Along the **rear lot line** starting at a height of 262.65 metres Canadian Geodetic Elevation measured 6.88 metres from the **rear lot line**, and projected southwardly until a height of 293.5 metres Canadian Geodetic Elevation measured 3.38 metres from the **rear lot line**;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law XXX-2024 [OLT]:
 - (i) equipment used for the functional operation of the **building** including- roof access, maintenance equipment storage, , chimneys, and vents, by a maximum of 5.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 5.5 metres;
 - (iii) architectural features, parapets, and elements and elements associated with a **green roof**, by a maximum of 2.5 metres;
 - (iv) maintenance unit equipment and window washing equipment, by a

- maximum of 6.5 metres;
- (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures**, by a maximum of 5.5 metres;
- (H) Despite Regulation (G) above, only the projections identified in (G)(i), (iii) and (iv) may be permitted to project above a height of 317.4 metres, measured from 155.55 metres Canadian Geodetic Datum;
- (I) Despite Regulation 40.5.40.10(5), the total area of all equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a building, as permitted by (G) above may cover 50% of the area of the roof, measured horizontally;
- (J) Regulation 40.10.20.100 (4), with respect to the location of hotel uses and Article 600.10.10 with respect to **building setbacks** does not apply;
- (K) Despite 40.10.20.100 (33) and 150.100, there is no maximum **interior floor area** for an **eating establishment**;
- (L) Despite Regulation 40.10.40.40 (1), the maximum permitted **gross floor area** on the **lot** is 76,500 square metres, of which a minimum 790 square metres of **gross floor area** shall be for **non-residential** uses;
- (M) Despite Regulation 40.5.40.50, **amenity space** is required for **dwelling units** and must be provided in accordance with the following:
- (i) A minimum combined total of 2.5 square metres of **indoor** and **outdoor amenity space** per **dwelling unit**;
 - (ii) No **amenity space** is required for non-residential uses;
- (N) A minimum of 10% of **dwelling units** on the **lot** shall have three bedrooms and a minimum 15% of **dwelling units** shall have two-bedrooms, and an additional 15% of the total number of **dwelling units** shall be a combination of two- and three-bedroom **dwelling units**, or **dwelling units** that can be converted to two- and three-bedroom **dwelling units** through the use of accessible or adaptable design measures;
- (O) Despite Regulation 40.10.40.70(1) and Article 600.10.10, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law ~~XXX~~-2024 [OLT];
- (P) Despite Clause 40.5.40.70, 40.10.40.60 and (I) and (N) above, the

following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) canopies and awnings, by a maximum of 3.0 metres;
 - (ii) exterior stairs, access ramps and elevating devices, by a maximum of 1.0 metres;
 - (iii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
 - (v) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (vi) eaves, by a maximum of 1.0 metres;
 - (vii) a dormer, by a maximum of 1.0 metres; and
 - (viii) vents, and pipes, by a maximum of 1.0 metres;
- (Q) Despite Regulation 200.15.10, four (4) accessible **parking spaces** shall be provided on the **lot**;
- (R) Despite Regulation 200.15.1 (1), an accessible **parking space** must have the following minimum dimensions:
- (i) A minimum length of 5.6 metres;
 - (ii) A minimum width of 3.4 metres; and,
 - (iii) A vertical clearance of 2.1 metres;
- (S) Despite Clause 220.5.10.1, **loading spaces** are required to be provided on the **lot** as follows:
- (i) Three (3) "Type-C" **loading spaces**; and,
 - (ii) One (1) "Type-G" **loading space**.
- (T) **Parking spaces** must comply with the **parking space** dimensions in Clause 200.5.1.10 with the exception that 10% of **parking spaces** may have minimum dimensions of:
- (i) a minimum length of 5.4 metres;
 - (ii) a minimum width of 2.2 metres; and,

- (iii) a vertical clearance of 1.9 metres.
- (U) Despite Regulations 230.5.10.1 (1), (3) and (5) and Table 230.5.10.1 (1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.9 "long term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.1 "short term" **bicycle parking spaces** for each **dwelling unit**;
 - and,
 - (iii) **Bicycle parking spaces** required by in (ii) above can be used for all non-residential uses;
- (V) Despite Regulations 230.5.1.10 (4), (6), (9) and (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:
 - (i) Both "long term" an "short term" **bicycle parking spaces** may be provided above and below ground and in a **stacked bicycle parking space**;
 - (ii) "long term" and "short term" **bicycle parking spaces** may be located indoors or outdoors including within a secured room or enclosed or unenclosed space, or bike locker or any combination thereof:
 - (a) The minimum width of a **stacked bicycle parking space** is 0.35 metres;
 - (b) The minimum width of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is 0.45 metres;
- 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.

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

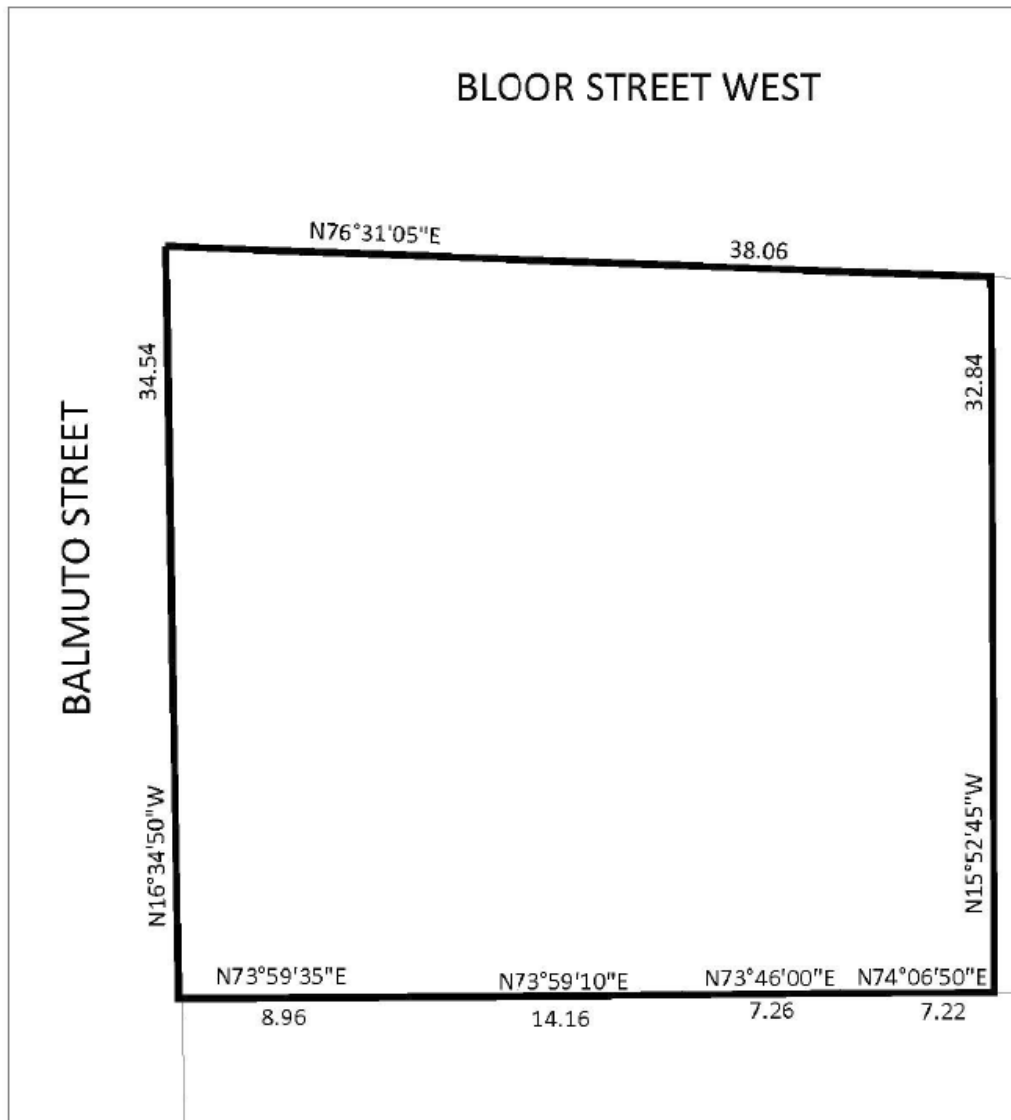


DIAGRAM 1

Zoning By-law Amendment

15-19 Bloor Street West
City of Toronto

Area Affected by this By-law



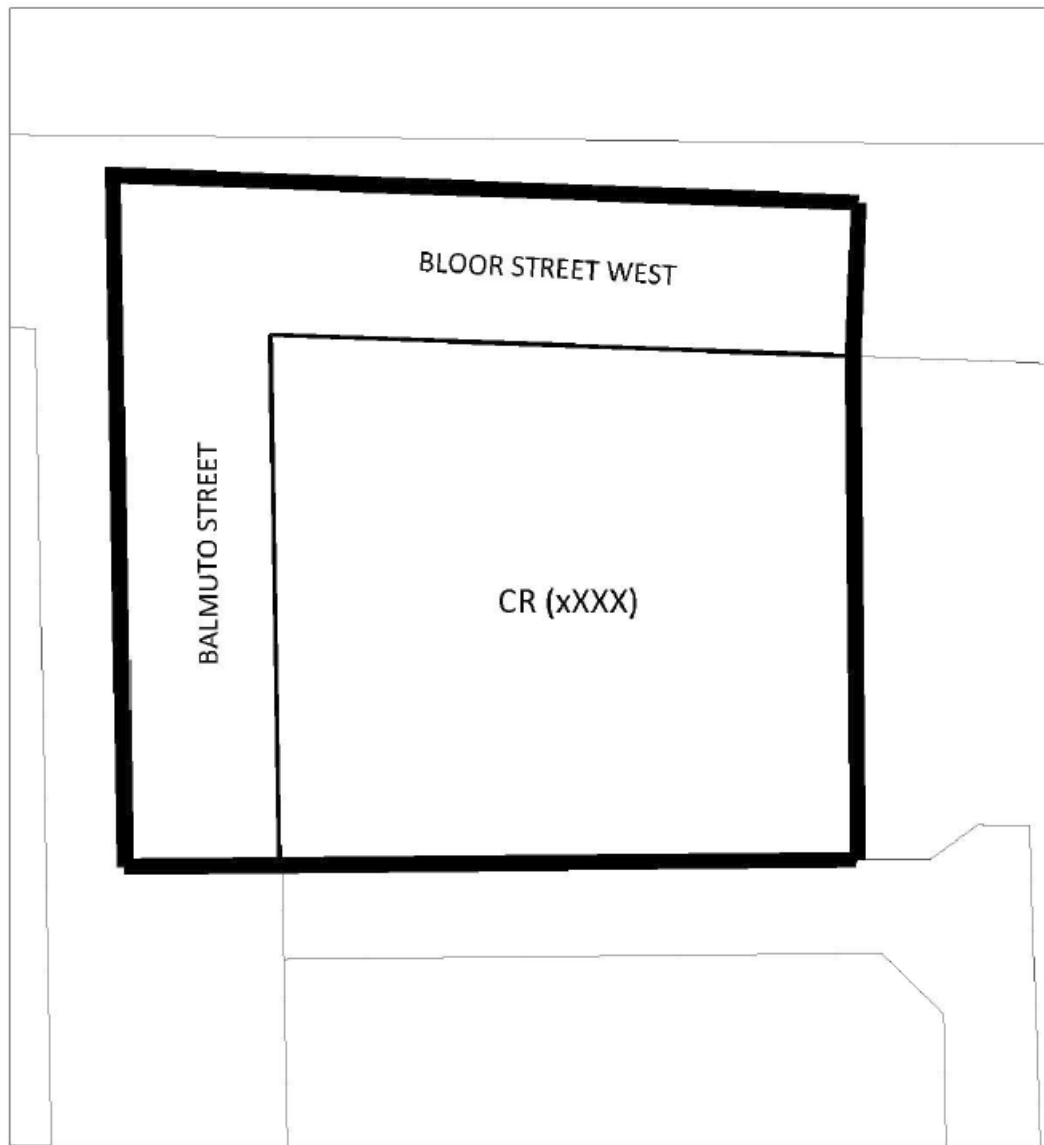



DIAGRAM 2

Zoning By-law Amendment

15-19 Bloor Street West
City of Toronto

Area Affected by this By-law 

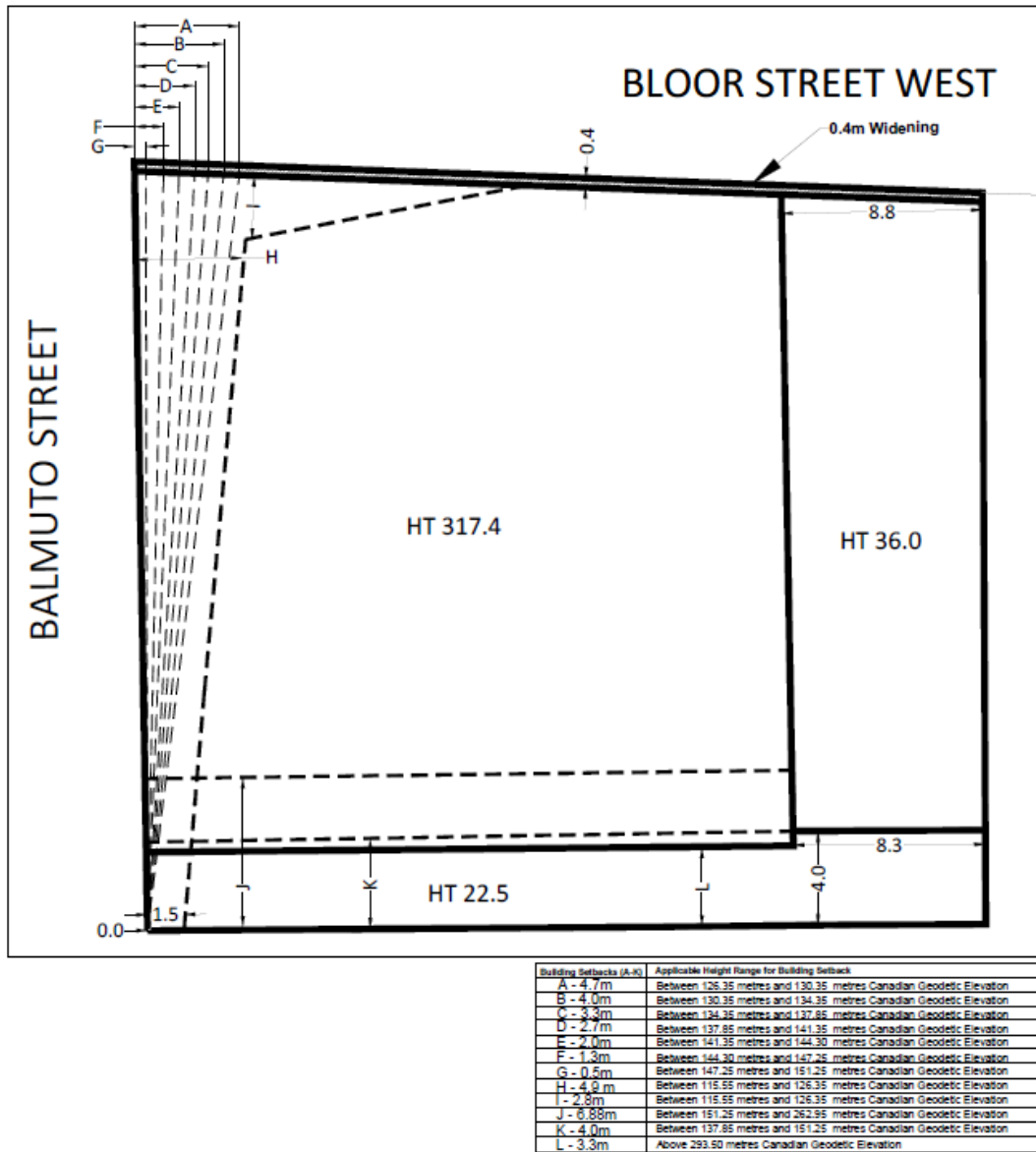


DIAGRAM 3

Zoning By-law Amendment

15-19 Bloor Street West
City of Toronto

Area Affected by this By-law

Area of Road Widening