

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 12, 2025

CASE NO(S).:

OLT-23-000686

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

Applicant and Appellant:

2350 Yonge Street Inc.

Subject:

Application to amend the Zoning By-law –
Refusal or neglect to make a decision

Description:

To permit a 50-storey residential building with a
9-storey base and a 41-storey tower including
323 residential units

Reference Number:

22 176294 NNY 08 OZ

Property Address:

2350 – 2352 Yonge Street

Municipality/UT:

Toronto / Toronto

OLT Case No.:

OLT-23-000686

OLT Lead Case No.:

OLT-23-000686

OLT Case Name:

2350 Yonge Street Inc. v. Toronto (City)

Heard:

October 7 – 16, 2025, by video hearing

APPEARANCES:

Parties

2350 Yonge Street Inc.

City of Toronto

297506 Ontario Ltd. and Diamond
Corp.

Counsel/Representative*

Rodney Gill
Cristin Hunt

Gabe Szobel
Marc Hardiejowski

Mark Flowers

Phoenix 2323 Yonge Street Inc., Phoenix 2329 Yonge Street Inc., and Phoenix 2345 Yonge Street Inc.	Anne Benedetti Arjun Prasad (student-at-law)
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2354 Yonge Street Inc.	Brian Noy* Josh Epstein*
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EPRA LPRO SKHC 500 Duplex Coalition	Thomas Cohen*
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DECISION DELIVERED BY KURTIS SMITH AND INTERIM ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] 2350 Yonge Street Inc. (“Appellant”) seeks to redevelop their property, municipally known as 2350-2352 Yonge Street (“Subject Site”), in the City of Toronto (“City”). To permit the Proposed Development, the Appellant sought a Zoning By-law Amendment (“ZBA”) to construct a 56-storey mixed-use tower.

[2] At a Case Management Conference on April 8, 2025, the Tribunal ordered that this matter and Case No. OLT-25-000060, regarding 2346 Yonge Street (“Diamond Corp. Site”), which is directly south of the Subject Site, be heard together but are not consolidated given their geographic proximity and potential overlapping areas of evidence. The hearing to consider the settlement for Diamond Corp. was heard on the first day and the remaining days heard the contested evidence pertaining to this matter.

[3] This Decision solely pertains to the ZBA filed by the Appellant and a separate decision is issued relating to the Diamond Corp. Site.

[4] The Tribunal notes that the Settlement for Diamond Corp. was approved. The outcome of this Decision will determine if the north wall of the Diamond Corp. development will or will not be precluded from having windows.

WITNESSES AND EXHIBITS

[5] To support the positions of the Appellant and City, they introduced the following witnesses:

For the Appellant:

- Land Use Planning – David Huynh
 - A registered professional Land Use Planner with over 20 years of working experience, and has been the primary land use planner for the Proposed Development since 2021 for the Appellant.
- Urban Design – Tom Kasprzak
 - A registered professional Planner and Urban Designer, with over 25 years of both professional and academic experience, and was retained in April of 2025 to provide urban design advice.
- Transportation – Stephen Bahadoor
 - A registered Professional Engineer, member of the Institute of Transportation Engineers, and has over 18 years of experience. There were no transportation issues remaining, however, Mr. Bahadoor provided the Tribunal information concerning how traffic will function with and in the Proposed Development.

For the City:

- Urban Design – Michael Sakalauskas
 - A senior Urban Designer for the City with over 12 years of experience, with direct working experience within the North District Planning Area.
- Land Use Planning – Angela Zhao
 - A senior Planner for the City with approximately nine years of experience, having direct working experience within the North District Planning Area, and has had carriage of the ZBA since May of 2025 and was involved in the Diamond Corp. settlement.

[6] The Tribunal qualified each witness in their respective areas of expertise without objection from any of the Parties.

[7] The following documents were marked as exhibits during the proceedings:

1. Joint Document Book;
2. Appellant Photo Book;
3. Appellant Visual Evidence Book;
4. Witness Statement of Mr. Huynh;
5. Reply Statement of Mr. Huynh;
6. City Visual Evidence Book;

7. Witness Statement of Michael Goldberg (Witness to Diamond Corp. Settlement);
8. Witness Statement of Mr. Kasprzak;
9. Reply Statement of Mr. Kasprzak;
10. Witness Statement of Mr. Bahadoor;
11. Reply Statement of Mr. Bahadoor;
12. Witness Statement of Mr. Sakalauskas;
13. City of Toronto Decision re: 2329 and 2345 Yonge Street OPA & ZBA (Cross Doc for Mr. Sakalauskas);
14. Witness Statement of Ms. Zhao; and
15. Reply Statement of Ms. Zhao.

SITE AND SURROUNDING CONTEXT

[8] The Subject Site consists of two parcels that are rectangular in shape and has the following combined dimensions:

- 511 square metres (“sq m”), approximate in area;
- 12.6 metres (“m”) of frontage along Yonge Street; and
- 40.81 m in depth.

[9] The Subject Site is currently occupied by two, three-storey mixed-use buildings.

[10] Directly north of the Subject Site is another identical three-storey mixed use building, with approximately half the frontage of the Subject Site, municipally known as 2354 Yonge Street, which is owned by 2354 Yonge Street Inc. (“2354”), and who are Party to these proceedings.

[11] At the corner of Yonge Street and Helendale Avenue is a recently constructed 29-storey mixed-use building known as the “Whitehaus Condos”. The tower portion of Whitehaus Condos is set 22.7 m back from Yonge Street and therefore “staggered” further west in comparison to the Proposed Development. The proposed tower being contemplated has an approximate 20 m tower separation from the existing Whitehaus Condos’ tower.

[12] Directly South is the Diamond Corp. Site, which currently houses a two-storey financial institution, and was recently approved for a 54-storey mixed-used tall tower, as mentioned above.

[13] Directly west of the Subject Site is the North District Library and Stanley Knowles Housing Cooperative Inc. (“Library Building” or “Stanley Knowles”), which is a 13-storey building with an approximately 30 m tower separation from the proposed tower. Beyond the Library Building there is a 20-storey residential building that fronts onto Duplex Avenue.

[14] Directly east of the Subject Site and across Yonge Street, at 2323-2329 Yonge Street, is currently occupied by low-rise, mixed-use buildings from two–eight storeys in height. During these proceedings, that site was approved for a 58-storey mixed-use development, where it was previously permitted to develop a 34-storey mixed-use building.

[15] There are a few parks, open spaces, and one planned park within the surrounding area of the Subject Site. Further east of the Subject Site is North Toronto Collegiate Institute (“NTCI”), and beyond that, and approximately 1 kilometre away is NTCI’s Athletic Field. West of the Subject Site, and approximately 400 m away, is the

Eglinton Park that contains baseball diamonds, soccer pitches, a playground, an arena, and community centre, which includes a swimming pool. In addition to these existing parks and open spaces the City plans to create a park at the northeast corner of Helendale Avenue and Duplex Avenue.

PROPOSED DEVELOPMENT

[16] The Appellant intends to construct a 56-storey mixed-use tall tower with a total height of 185.21 m to the top of the mechanical floor, covering nearly the entire site. The Proposed Development is oriented in an east-west direction, with a five-storey podium. The Levels 1–3 of the podium propose a setback of 0.89 m and a total of 6 m curb to building face setback. At Levels 4 and 5, the podium extends back out to the property line, providing a 0 m setback. Then on Level 6, a reveal is proposed that includes an outdoor amenity space terrace across the full width of the frontage. The tower portion of the Proposed Development is setback 3 m from Yonge Street, for approximately two-thirds of the frontage. The balance of the tower frontage above Level 6, from Level 7–56, maintains the 0 m setback, creating a bump-out at the southeast corner of the tower.

[17] The ground floor frontage along Yonge Street provides retail, to the north, and the entrance to the residential tower, to the south. The retail portion is slightly larger in width in comparison to the residential entrance. More specifically, the retail portions have a frontage of approximately 6.5 m and 5.5 m in depth, and is approximately 39 sq m or the size to two parking spaces. However, the Appellant's counsel stated during their closing submissions that their architect has confirmed that the ground floor is able to be reconfigured to increase the depth of the retail up to 15 m, if the Tribunal requires.

[18] Once the Proposed Development and the Diamond Corp. Site are constructed, the buildings will have a 0.228 m total separation from each other ("back-to-back towers"), resulting in the north side of the Diamond Corp. Site and the south side of the

Proposed Development being precluded from having windows (“blank wall”). Therefore, the south facing wall of the Proposed Development will be required to install a blank wall treatment, which will include light-emitting diode (“LED”) lighting to address the blank wall condition. Moreover, if approved, the Diamond Corp. Site will also be required to do the same. Lastly, there will be metal flashing, or similar material will be installed, to cover the 0.228 m separation between the back-to-back towers.

[19] The Proposed Development has a proposed tower floor plate (“TFP”) size of 470.41 sq m. It is noted that the Diamond Corp. Site has an approved 650.93 sq m TFP. Therefore, a combined TFP of 1,121.34 sq m for both towers.

[20] Indoor amenity spaces are dispersed on Levels 2–12, with outdoor space included on the Level 6, overlooking Yonge Street, as mentioned above. A total of 1,392 sq m, or 4 sq m per unit, is provided. Also, the Appellant proposes a pet/carriage/bike wash area located on the Ground Level.

[21] Access to the rear portion of the Subject Site is through an existing easement from Helendale Avenue, through an at-grade service entrance tunnel of the Whitehaus Condos and across the rear portion of the 2354 Yonge Street property. Once on the Subject Site, there is a 10 m turntable with an additional 1 m clearance area to allow garbage, moving, service, etc. trucks to drive into the “back of house”, engage the turntable, rotating the truck 180 degrees, permitting the truck to drive out without physically turning around, therefore permitting “Type G” loading. Additionally, there is one accessible surface parking space located at the “back of house”. The Tribunal notes that the Subject Site is within a Projected Major Transit Station Area.

[22] Level 2 of the Proposed Development contains the bicycle parking area and a bicycle repair room. A total of 192 bicycle parking spaces are provided that consist of 157 “long-term” and 35 “short-term” spaces.

POSITION OF THE PARTIES

[23] There are six Parties to this matter and each of them took on a different level of active participation in comparison to the Appellant and City.

[24] Diamond Corp. and Phoenix 2323 Yonge Street Inc., Phoenix 2329 Yonge Street Inc., and Phoenix 2345 Yonge Street Inc. (together “Phoenix”), attended the proceedings, however, did not introduce witnesses, cross-examine any witness, or provide opening or closing submissions.

[25] Likewise, 2354 took on a similar participation level to Diamond Corp. and Phoenix. However, Mr. Brian Noy, representative and owner of 2354, posed a handful of questions to the Appellant’s transportation expert, Mr. Bahadoor, regarding the existing easement through their property, namely the height of the easement. Given that that is not an issue to be adjudicated, the Tribunal did not consider 2354’s questions.

[26] Mr. Cohen, representative for EPRA LPRO SKHC 500 Duplex Coalition (“500 Duplex”), represents the following four groups: (1) the members of the Stanley Knowles Co-op that is directly west of the Subject Site; (2) the tenants of the original tower of 500 Duplex; (3) the Eglinton Park Residents’ Association; and (4) the Lytton Park Residents’ Association. 500 Duplex’s general concerns relate to the effects to the public realm, namely sky view, sunlight, and whether the inside of a library, residential unit, and midblock connection are considered part of the public realm.

[27] The City’s linchpin statement is that, even though the provincial and local policy and by-laws indicate that a parcel is eligible to be a tall tower site, this does not mean that it is a tall tower site. The opinions of Mr. Sakalauskas and Ms. Zhao regarding the back-to-back towers, blank walls, retail size, combined TFP, built form (canyon), and the affects of the public realm involving sunlight, sky views, street views, wind, and the possibility of replication, further exacerbating the effects, forming the basis for them coming to their respective conclusions that the Subject Site is not a tall tower site but rather a midrise site. Therefore, they are of the opinion that the Proposed Development

is not consistent with the Provincial Policy Statement, 2024 (“PPS”), does not conform to the City’s Official Plan (“OP”) and the Yonge-Eglinton Secondary Plan (“YESP”), and does not have appropriate regard for applicable guidelines. In addition, the City argues that, if the Appellant and Diamond Corp. consolidated and developed one combined tower, the Appellant could have eliminated, and/or potentially eliminated, the concerns of back-to-back towers, blank walls, retail size, combined TFP, and built form (canyon), therefore lessening the impacts to the public realm.

[28] Contrary to the City, the Appellant’s witnesses provided their opinion evidence that the Proposed Development is consistent, conforms, and has regard for applicable policies and guidelines due to their overall view of the existing and planned context, Subject Site, and the public realm effects. Furthermore, the Appellant’s counsel suggests that “Given the disagreement among the opinions of the experts, the Tribunal will have to carefully weigh and consider the opinions expressed by the experts and evaluate the quality and depth of those opinions, including how those opinions are grounded”, arguing that the City’s witnesses should be given less weight. Lastly, counsel for the Appellant raised the subject of Mr. Cohen, or 500 Duplex, and how he is a representative and is not well versed in cross-examination by occasionally asking leading questions and introducing new evidence of history or contextual information during closing submissions.

[29] While it relates to the submissions and cross-examination of 500 Duplex, the Tribunal provides no weight to the evidence that was produced in their closing submissions, nor the cross-examination of Mr. Bahadoor pertaining to hypothetical breakdowns of the transportation turntable, elevators, etc. for the same reasons mentioned above. Pertaining to cross-examination of the remaining witnesses by Mr. Cohen, the Tribunal recognizes that from time to time a representative may unintentionally reach beyond their purview.

[30] Relating to the submissions of the Appellant regarding the evidence of the City’s witnesses, the Tribunal findings are set out below.

EVIDENCE AND FINDINGS

[31] The Tribunal heard opinion evidence from five witnesses, as outlined above, and identified the following issues in dispute: (1) shallow retail depth; (2) possible replication; (3) introduction a new built form (canyon form) into the area; (4) back-to-back towers; and (5) effects on the public realm.

Retail

[32] The retail space that is provided at the Ground Level meets all standards except for depth. As indicated above, the retail space is wider than 50% of the Subject Site's frontage, and the remaining frontage has been utilized for the residential entrance, which is permitted for mid-block sites. While under cross-examination, Ms. Zhao confirmed that, whether or not the Subject Site was develop as a midrise or tall tower, the frontage would be similar in nature do to the *Building Code* requirements for the entrance/exit of the residential portion.

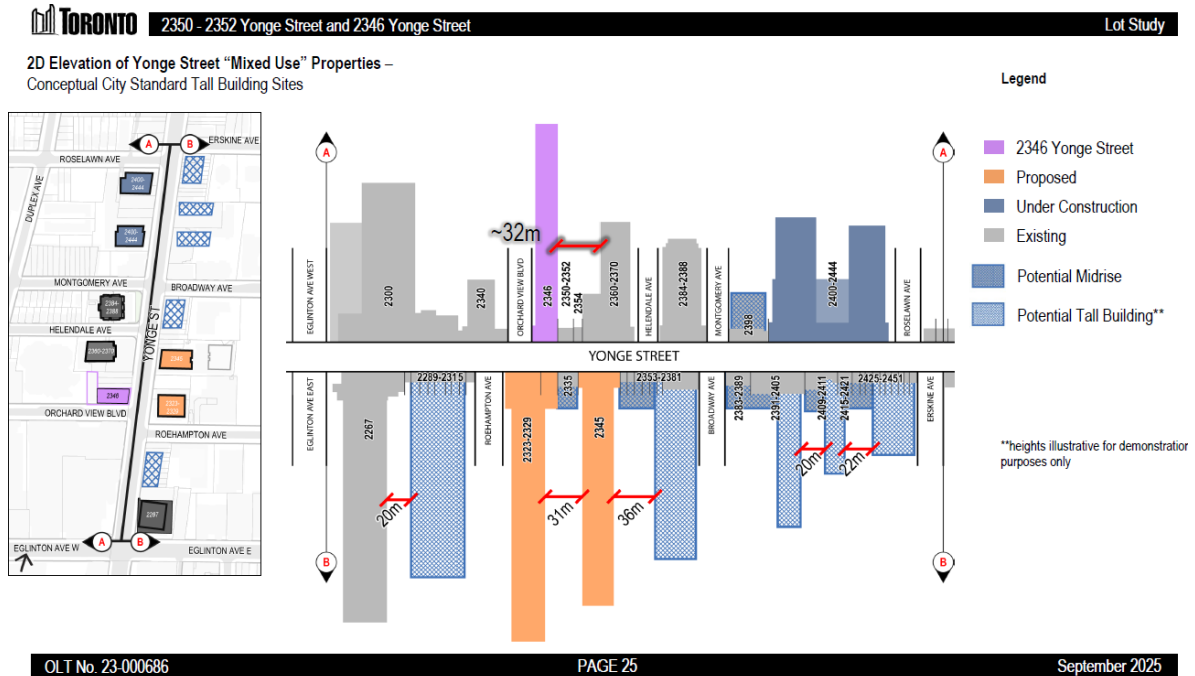
[33] The Tribunal heard opinion evidence regarding the retail space, and specifically relating to the depth of the retail space, as it does not meet the required 15 m depth.

[34] Given that the Appellant informed the Tribunal during their closing submissions that their architect has confirmed that the Ground Level can be reconfigured to extend the retail space to 15 m, the dispute is no longer valid and the Tribunal directs the Appellant to increase the depth of the retail space to 15 m to meet policy 2.6.C of the YESP.

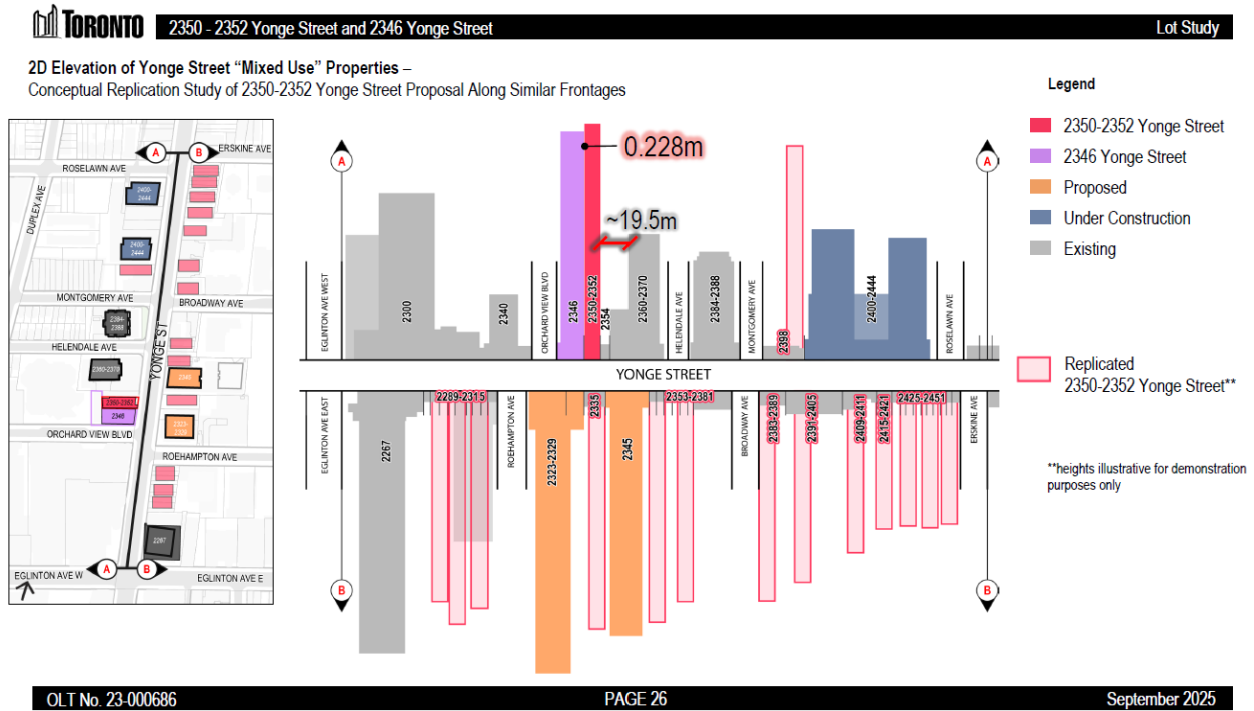
Replication

[35] The Tribunal heard an abundance of opinion evidence by Mr. Sakalauskas regarding the possibility of replication of a similar built form of the Proposed Development on sites that have similar frontages on Yonge Street between Eglinton

Avenue East and Erskine Avenue. Below are the two similar, but distinctly different, concepts from pages 26 and 27 of Exhibit 6, that Mr. Sakalauskas produced:



[36] The concept above presents the existing building, Diamond Corp. Site constructed, proposed, and under construction sites, and "potential" midrise and tall buildings that align with the policy and guidelines. The image includes tower separation distances, however, does not include the Proposed Development.



[37] Whereas this concept now includes the Proposed Development, displaying the back-to-back tower separation and 19.5 m tower separation between the Proposed Development and the Whitehaus Condos. The Tribunal notes, and as explained by Mr. Kasprzak, the tower separation between the two above-mentioned towers have an approximate separation of 20 m due to the slightly angled position of the two towers. Additionally, this image includes several tall slender towers on sites that have similar frontages to the Subject Site.

[38] A significant amount of Mr. Sakalauskas' cross-examination was regarding the above replication study. Generally, Mr. Sakalauskas' opinion and evidence pertaining to the replication study was to illustrate that, if the Proposed Development is approved, there could be potential for it to be replicated on sites with similar frontages to the Subject Site, and that it would negatively impact the area, regarding wind, sky view, sunlight, and street views in the public realm. However, Mr. Sakalauskas stated that the replication study did not entail a full analysis of the potential replication sites, for example, it did not include adequate tower separation.

[39] The Tribunal finds that the first image provides a sensible and realistic concept of the current and planned context of the area and provides appropriate information regarding tower separation. Furthermore, the Tribunal finds that when comparing the two images, and contemplating the opinions proffered during cross-examination, it became clear that the replication study by Mr. Sakalauskas does not provide a genuine concept beyond replicating the Proposed Development's built form on properties with similar frontages. The Tribunal disregards all evidence referring to the potential replication study as it is an incomplete analysis, providing little to no value.

Canyon Form

[40] Mr. Sakalauskas opined that the Proposed Development would introduce a new and inappropriate built form into the YESP area. He stated that, if approved, the Proposed Development would be considered canyon form typology due to having 0 m of separation within a mid-block, with the potential of duplicating this type of built form in the YESP and within the Montgomery Square Character area.

[41] The Downtown Tall Buildings: Vision and Supplementary Design Guidelines (guideline 2.1) states that:

Canyon Form is characterized by high street walls with buildings that have been built to cover the full width of their sites. This condition is a historic one that was once strongly encouraged by the former (pre-amalgamation) City of Toronto and will continue in those locations where it is currently found. Canyon Form is prevalent on High Streets in the Financial District, and on limited portions of Bloor, College/Carlton, and Dundas Streets.

[42] The Tribunal agrees that the Proposed Development will extend to the width of the frontage. However, the Tribunal notes, and confirmed by the four Planning and Urban Design witnesses, that the Proposed Development will have north-facing windows on the tower portion of the development. 2354 will be unable to construct a tall tower, therefore extinguishing the theory that the Proposed Development introduces canyon form.

Back-to-Back Towers

[43] The back-to-back towers generates a blank wall condition and a combined TFP of 1,121.34 sq m for the Proposed Development and Diamond Corp.

[44] Mr. Sakalauskas provided the Tribunal with a conceptual night study, shown on Page 19 and 20 of Exhibit 6. Page 19 depicts the south facing view of the Diamond Corp. Site, developed with lights on within the residential units illuminating the south facing wall. Page 20 depicts the same view, however, now without the Diamond Corp. Site built, and the Proposed Development built. The south facing wall is 100% dark in contrast with the surrounding buildings. Mr. Huynh and Mr. Kasprzak explained that the south facing wall of the Proposed Development will be constructed with a blank wall treatment, including LED lighting, and they are of the opinion that the south facing wall will not be blank as shown on page 19 of Exhibit 3. The Tribunal finds that the blank wall treatment is acceptable.

[45] Section 3.2.3 of the Tall Building Design Guidelines (“TBDG”) recommends to “setback tall building towers 12.5m or greater from the side and rear property lines or centre of an abutting lane”, therefore, providing 25 m tower separation. The purpose of the recommended separation is achieving the protection of sky view, privacy, and daylighting. Furthermore, the TBDG recommends (guideline 3.2.3.f), where possible, to offset towers/views to increase actual or perceived tower separation distances. Each of the Land Use Planning and Urban Design experts provided the opinion to the Tribunal that a 20 m tower separation is common in the area. Therefore, the Tribunal finds that the proposed tower separation of approximately 20 m from the Whitehaus Condos is acceptable. Moreover, the Whitehaus Condos are set 22.7 m back from Yonge Street, resulting in an offset between the towers.

[46] Furthermore, the Proposed Development has an approximant 30 m separation from Stanley Knowles. As shown on Page 14 of Exhibit 3, the Proposed Development does not extend as far west as the Diamond Corp. Site tower toward Stanley Knowles.

Page 15 of Exhibit 3 depicts that the proposed setback will not hinder the possibility of redevelopment of the Stanley Knowles property, with two potential towers aligning with the TBDG.

[47] Regarding the 0 m setback from the Diamond Corp. Site, the Tribunal accepts that the blank wall, in conjunction with the blank wall treatment, is an acceptable setback, given the planned context. Regarding the 0 m setback from 2354 Yonge Street, the Tribunal accepts the opinions of each of the witnesses that 2354 Yonge Street is not a tall tower site, primarily due to the separation between the existing Whitehaus Condos and planned Diamond Corp. Site. Furthermore, the podium of the Proposed Development does not include north-facing windows, and therefore, do not impede 2354's ability to redevelop their site with a midrise building.

[48] Section 3.2.1 of the TBDG recommends to "limit TFP to 750 sq m or less per floor". As stated above, the Proposed Development has a TFP of 470.41 sq m, well below the recommendation of the TBDG. However, due to the back-to-back towers condition, when combining the Proposed Development and the Diamond Corp. Site, together they have a combined TFP of 1,121.34 sq m, 371.34 sq m larger than what is recommended. Additionally, the TBDG states that larger TFP may be considered for very tall buildings greater than 50–60 storeys.

[49] Mr. Huynh and Mr. Kasprzak both opined that existing TFP sizes above 750 sq m are abundant, especially in areas that are served by high order transit, such as the downtown and Yonge-Eglinton Centre. Mr. Kasprzak further opined that the visual effect of the two towers being back-to-back does not result in unacceptable impacts on the surrounding context, and that the two towers will appear as a single configuration with distinguishing architectural expressions resulting in a massing that will produce a well-articulated slender profile. They went on to provide the Tribunal with several comparable towers with larger TFP sizes (page 39 of Exhibit 8), and visually (pages 21-29 of Exhibit 3).

[50] Mr. Sakalauskas and Ms. Zhao opined that the combined TFP size is significantly larger than what is recommended, or in the surrounding area, and will overwhelm the streetscape and the skyline. They communicated that only one tower is appropriate for the area, and therefore, the Subject Site cannot accommodate a tall building independently due to its location mid-block, frontage, and lot area. On cross-examination, Ms. Zhao agreed that, other than the south setback between Diamond Corp. Site and Subject Site, the Proposed Development meets the recommended tower separation and provides a blank wall treatment.

[51] The Tribunal acknowledges that some of the examples of larger TFP sizes provided by Mr. Kasprzak are not within the surrounding context. The Tribunal looks to the examples of 90-110 Eglinton Avenue East, 150 Eglinton Avenue East, and 2300 Yonge Street & 20 Eglinton Avenue East as they are within walking distance from the Subject Site. Those sites have TFPs between the 1,040 sq m and 1,693 sq m. Furthermore, the similar developments at 90-100 and 150 Eglinton Avenue East are comprised of one podium with two stepping towers, visually present as four towers. The Proposed Development, Diamond Corp. Site, and the Whitehaus Condos present similarly as the Whitehaus Condos are set further back from Yonge Street.

[52] The Tribunal accepts the opinion of Mr. Kasprzak that the combined TFP size has appropriate regard for the TBDG.

Public Realm

[53] As defined in the Midtown Parks and Public Realm Plan, 2018, the public realm consists of all areas to which the public has access, such as its streets, laneways, public parks, and other open spaces, which plays a pivotal role in contributing to this liveability. However, the Library Building and the insides of residential units are not defined as part of the public realm.

[54] The Subject Site is within the Montgomery Square Character Area (“MSCA”), as defined in the YESP. Policy 1.3.6.b. of the YESP states that:

...the Montgomery Square Character Area is, and will continue to be, the civic heart of Midtown with its concentration of historic buildings, community service facilities and shops that line Yonge Street. The heights of tall buildings will scale down in height away from the Yonge- Eglinton intersection. Tall building elements will ensure that the area’s rich heritage fabric is accentuated and enable sunlight to reach the street at key points during the day. New public parks and other spaces connecting with the Square’s civic buildings will create a unique destination for civic events...

[55] Mr. Kasprzak provided the Tribunal with an in-depth analysis of the Shadow Study found at pages 37–40 of Exhibit 3. It is noted that neither of the City’s witnesses disputed the evidence found in the Shadow Study.

[56] Both the Diamond Corp. Site and the Proposed Development were depicted in the Shadow Study, presented in two differing colours. The Tribunal accepts the opinion of Mr. Kasprzak that the Proposed Development’s additional shadowing, combined with the Diamond Corp. Site, is minimal.

[57] Furthermore, no witness, nor the YESP policy, defines when the “key points during the day” that sunlight is to reach the streets within the MSCA.

[58] Similarly to the Shadow Study, the Tribunal, based on the above conclusions, further finds the Proposed Development does not negatively impact the skyline, street view, and continues to provide sunlight. Furthermore, the tower separation aligns with the TBDG, or are no closer than what is common in the area.

Summary of Findings – Is this a Tall Tower Site?

[59] The Tribunal accepts the opinion evidence proffered by Mr. Huynh and Mr. Kasprzak and finds that the ZBA has regard for matters of provincial interest, is consistent with the PPS, conforms to the OP and the YESP, has appropriate regard for

applicable guidelines, and that the conditions are reasonable. Therefore, the Tribunal concludes that the Subject Site is a tall tower site.

ORDER

[60] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction, or receipt of those pre-requisite matters identified in paragraph [61] below, and the Zoning By-law Amendment (“ZBA”) is hereby approved, in principle, as contemplated through the architectural drawings of R. Varacalli Architect Inc., dated May 1, 2025, and as directed by the Tribunal to amend.

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

- The final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- If required, provisions for a holding by-law, pursuant to section 36 of the *Planning Act*, regarding the provision of an acceptable sanitary system solution constructed and operational, as determined by the Chief Engineer and Executive Director, Engineering and Construction Services, which may include the Appellant obtaining Ministry of the Environment, Conservation and Parks Environmental Compliance Approval and upgrading the existing municipal infrastructure off site;
- The owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated September 16, 2022, and any outstanding issues arising from the ongoing technical review (including

provision of acceptable reports and studies), as they relate to the ZBA application, to the satisfaction of the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services;

- Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, prior to approval of the rezoning application, a Functional Servicing Report to determine the storm water 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;
- Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement 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 this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;
- Provide space within the Proposed Development for 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;
- 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 Proposed Development, all to the satisfaction of the

Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering and Construction Services for Work on the City's Right-of-Way;

- The owner has submitted a revised Travel Demand Management Plan, acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- The owner has submitted architectural plans reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- That the owner has submitted a tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12; and
- The owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

[62] If the Parties do not submit the final drafts of the ZBA, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph [61] above have been satisfied, and do not request the issuance of the Final Order, by **Monday, June 1, 2026**, 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 of the draft ZBA and issuance of the Final Order by the Tribunal.

[63] 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 instrument(s), the satisfaction of the contingent prerequisites and the issuance of the Final Order.

“Kurtis Smith”

KURTIS SMITH
MEMBER

Ontario Land Tribunal

Website: 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.