

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 06, 2025

CASE NO.: OLT-23-000697

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

Applicant/Appellant:	SLH Lakeshore Inc.
Subject:	Zoning By-law Amendment Application – failure to make a decision
Description:	To permit a mixed-use development of two residential towers of 59 and 54 storeys containing 1602 dwelling units
Reference Number:	22 204512 STE 14 OZ
Municipality:	City of Toronto
Property Address:	685 Lake Shore Boulevard East
OLT Case No.:	OLT-23-000697
OLT Lead Case No.:	OLT-23-000697
OLT Case Name:	SLH Lakeshore Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant:	SLH Lakeshore Inc.
Subject:	Site Plan Control Application – failure to approve
Description:	To permit a mixed-use development of two residential towers of 59 and 54 storeys containing 1602 dwelling units
Reference Number:	22 204511 STE 14 SA
Municipality:	City of Toronto
Property Address:	685 Lake Shore Boulevard East
OLT Case No.:	OLT-23-000698
OLT Lead Case No.:	OLT-23-000697
OLT Case Name:	SLH Lakeshore Inc. v. Toronto (City)

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

Applicant/Appellant:	SLH Lakeshore Inc.
Subject:	Request to amend the Official Plan – failure to adopt the requested amendment
Description:	To permit a mixed-use development of two residential towers of 59 and 54 storeys containing 1602 dwelling units
Reference Number:	24 221697 STE 14
Municipality:	City of Toronto
Property Address:	685 Lake Shore Boulevard East
OLT Case No.:	OLT-25-000124
OLT Lead Case No.:	OLT-23-000697
OLT Case Name:	SLH Lakeshore Inc. v. Toronto (City)

BEFORE:

KURTIS SMITH)	Monday, the 2 nd day
MEMBER)	
)	of June 2025

THIS MATTER having come before the Tribunal by way of an uncontested written hearing on June 2, 2025, and upon reviewing and having considered the uncontested opinion evidence proffered by Michael Bissett, a Registered Professional Planner and member of the Canadian Institute of Planners, in his comprehensive affidavit sworn May 28, 2025;

AND THE TRIBUNAL understands that the aforementioned sworn evidence of Mr. Bissett reflects revisions to the applications before the Tribunal that were reached through cooperative efforts of the Parties;

AND THE TRIBUNAL having accepted the opinion evidence of Mr. Bissett as presented in his affidavit, finds that the official plan amendment and zoning by-law

amendment, as revised, has regard to those applicable matters of provincial interest as set out in section 2 of the *Planning Act*, is consistent with the Provincial Planning Statement, 2024, conforms to the City of Toronto Official Plan, and otherwise reflects principles of good land use planning. Further, the proposed development and draft zoning by-law amendments represents good planning and design and are in the public interest;

AND THE TRIBUNAL having been advised of the pre-conditions to the issuance of a Final Order in this matter requested by the City of Toronto and consented to by SLH Lakeshore Inc, which have not yet been met;

NOW THEREFORE

THE TRIBUNAL ORDERS THAT:

1. The Official Plan Amendment and Zoning By-law Amendment application appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph 2 and the Official Plan Amendment as set out in Attachment 1, and the development proposal for the Site, as contemplated in the architectural plans prepared by BDP Quadrangle dated November 29, 2024, support the (draft) Zoning By- law Amendment attached herein as Attachment 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 pre-requisite matters:

- a. the Official Plan Amendment is in a final form satisfactory to the Executive Director, Development Review and the Owner and joint Ministerial Approval pursuant to the Lower Don Special Policy Area and Lower Don Protocol has been obtained;
 - b. the Zoning By-law Amendment is in a final form satisfactory to the Executive Director, Development Review and the Owner, which shall include Holding conditions as set out in the Settlement Offer;
 - c. City Council has considered a final report on the Precinct Plan for the McCleary District, provided that such report is issued no later than six (6) months following the issuance of an Interim Order of the Tribunal;
 - d. the Owner has entered into and registered on title an agreement with the City to secure the provision of Affordable Rental Housing, to the satisfaction of the City Solicitor;
 - e. the Owner has provided a revised Pedestrian Level Wind Study including a Wind Tunnel Study, with recommendations implemented as part of the Zoning By-law Amendment and the City has advised that any building envelope changes to address the findings of the studies have been made, to the satisfaction of the Executive Director, Development Review; and
 - f. the Owner and PortsToronto have informed the City Solicitor that a restrictive covenant securing the heights of both the buildings on the property and any structures (temporary or permanent) above the top of the buildings on the property to the satisfaction of PortsToronto has been registered on title to the Property;
3. The Member will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment, Zoning By-Law Amendment and the issuance of the Final Order.
4. If the Parties do not submit the final drafts of the Official Plan Amendment, Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph 2 above have been satisfied, and do not request the issuance of the Final Order, by Monday,

October 6, 2025, 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 Official Plan Amendment, Zoning By-law Amendment and issuance of the Final Order by the Tribunal.

5. 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.
6. The appeal of the Site Plan Control application, being Tribunal Case No. OLT-23-000698 is adjourned *sine die*. The Member will not remain seized.

“Matthew D.J. Bryan”

MATTHEW D.J. BRYAN
REGISTRAR

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 No. ~~-20~

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS 685 LAKE SHORE BOULEVARD WEST

The former City of Toronto Official Plan (1993) Section 19.46, is amended as follows:

1. SCHEDULE C, PORT LANDS AREA SPECIFIC POLICY is amended by adding Section 16.0 "Site and Area Specific Policies"
2. SCHEDULE C, PORT LANDS AREA SPECIFIC POLICY is amended by adding Policy 16.1, as follows:

16.1. 685 Lake Shore Boulevard East

This Site Specific Policy applies to the lands shown on Map 1, herein referred to as 685 Lake Shore Boulevard East.

16.1.1 PIC Uses

- a. Despite Policy 4.2.3, a minimum of 5,000 square metres of non-residential gross floor area shall be dedicated to the following: PIC Core uses; limited PIC Mixed Use uses including club, community centre, hospital, library, medical office, veterinary hospitals; hotel uses; and, PIC-oriented retail service or store uses such as a hardware store and or ancillary to the operation of a PIC use, to be defined through a site specific zoning by-law amendment;

16.1.2 Housing

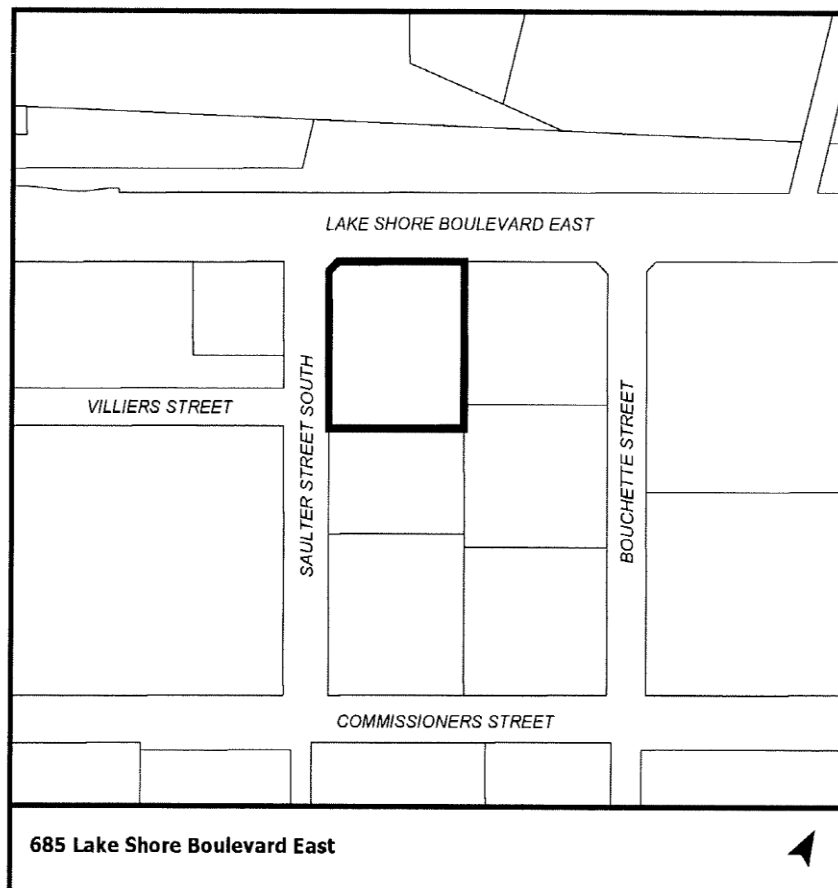
- a. Despite Policy 8.7, where residential uses are permitted, affordable rental housing will be provided as a minimum of 6.5% of the total residential gross floor area and maintained as affordable rental housing for a period of 99 years.
- b. Affordable rental housing means housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation, or 30% of the before tax monthly income of renter households in the City of Toronto as follows.
 - i. Studio units: one-person households at or below the 50th percentile income;
 - ii. One-bedroom units: one-person households at or below the 60th percentile income;
 - iii. Two-bedroom units: two-person households at or below the 60th percentile income; and
 - iv. Three-bedroom units: three-person households at or below the 60th percentile income.
- c. Affordable rental housing units will include at least:

- i. 15 percent as two-bedroom units; and,
- ii. 10 percent as three-bedroom units or larger.

16.1.3 Built Form

- a. Despite Policy 10.7.1, two towers on the site may have a floorplate which exceeds 750 square metres, to be delineated through a site specific zoning by-law amendment; and,
- b. Despite Policy 10.9.4, the maximum height of the two towers on the site may be taller than 39 storeys, to be delineated through a site specific by-law amendment.

MAP 1



ATTACHMENT 2

CONFIDENTIAL AND WITHOUT PREJUDICE

City of Toronto By-law xxx-20~

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

CITY OF TORONTO BY-LAW ###-2025

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 685 Lake Shore Boulevard East.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)";

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label to these lands: CRE (xXXXX) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1 and applying the following height label to these lands: HT 30, as shown on Diagram 3 attached to this By-law.

6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1 and applying no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1 and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number xXXXX so that it reads:

(xxxx) Exception CRE (xXXXX)

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 685 Lake Shore Boulevard East, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below:
- (B) The permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 112,100 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 106,000 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 6,600 square metres, of which a minimum 5,000 square metres shall be dedicated to **PIC uses**;
- (C) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** must have at least two bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any dwelling units with three or more bedrooms provided to satisfy (C)(i) above are not included in the provision of dwelling units with two bedrooms, required by (C)(ii) above;

- (iv) if the calculation of the number of required **dwelling units** with three bedrooms results in a number with a fraction, the number shall be rounded up to the nearest whole number;
- (D) Despite Regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 76.79 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 50.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (F) Despite Regulations 50.5.40.10(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 [Clerks to insert By-law ##]:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 8.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 8.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5.0 metres; and
 - (vii) elements listed in (F)(iv) may project beyond the permitted maximum height of a mechanical penthouse in (F)(ii), by a maximum of 6.0 metres;
- (G) Regulation 50.10.40.10(3), with respect to maximum **building depth**, does not apply;

- (H) Pursuant to Regulation 50.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (I) Despite Clause 50.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law **[Clerks to insert By-law ##]**;
- (J) Despite Clause 50.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres; and
 - (vi) window projections, including bay windows and box windows, eaves, air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0 residential occupant **parking spaces**;
 - (ii) a minimum rate of 2.0 plus 0.01 residential visitor **parking spaces**

for each **dwelling unit**; and

- (iii) a minimum of 0 **parking spaces** for non-residential uses;
 - (iv) Despite (K)(i) above, **parking spaces** must be provided at a maximum rate of:
 - (a) 0.3 for each bachelor dwelling unit up to 45 square metres;
 - (b) 1.0 for each bachelor dwelling unit greater than 45 square metres;
 - (c) 0.5 for each one bedroom dwelling unit;
 - (d) 0.8 for each two bedroom dwelling unit; and
 - (e) 1.0 for each three or more bedroom dwelling unit;
 - (v) Despite (K)(iii), **parking spaces** for non-residential uses must be provided at a maximum rate of 0.8 spaces for each 100 square metres of **gross floor area**;
- (L) "Car-share parking spaces" must be provided in accordance with the following:
- (i) a minimum of 2 "car-share parking spaces"; and
 - (ii) a maximum of 6 "car-share parking spaces";
 - (iii) For the purposes of this exception:
 - (a) "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (b) a "car-share parking space" means a parking space that is reserved and actively used for car-sharing;
- (M) Despite Regulation 200.5.1.10(2)(A)(iv) and (D), a maximum of 10 percent of **parking spaces** may have a minimum width of 2.6 metres and obstructed on one or two sides, as described in Regulation

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

- (N) Despite Regulation 200.25.15(1) and 200.25.2(1), accessible **parking spaces** must be provided in accordance with the effective accessible **parking rates** in Clauses 200.15.10.5, 200.15.10.10 and Table 200.15.10.5;
- (O) Despite Regulations 200.15.1(1) to (4), accessible **parking spaces** must be provided in accordance with the following:
 - (i) An accessible **parking space** must have the following minimum dimensions:
 - (a) width of 3.4 metres;
 - (b) length of 5.6 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**; and
 - (iii) Accessible **parking spaces** must be located within 50.0 metres of a barrier free entrance to a **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (P) Pursuant to Clause 220.5.10.1, a minimum of one Type "B", one Type "C" and two Type "G" **loading space** must be provided;
- (Q) Despite Regulations 230.5.1.10(9) and (10), and Clause 230.40.1.20, "long-term" and "short-term" **bicycle parking spaces** may be:
 - (i) located in a stacked bicycle parking space arrangement, in any combination of vertical, horizontal, or stacked positions;
 - (ii) located outdoors or indoors in a secure or enclosed room or enclosure on any floor of a building above or below ground level; and
 - (iii) located more than 45 metres from a pedestrian entrance;

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

9. 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.

10. Holding Symbol Provisions:

- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 1 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
 - (i) A Functional Servicing Report demonstrating satisfactory arrangements to secure the provision of local municipal infrastructure, and/or acceptable interim arrangements and infrastructure including sewer, water, and stormwater networks to service the proposed development, has been submitted to the satisfaction of the General Manager, Toronto Water and the Executive Director, Development Review;
 - (ii) Sanitary servicing capacity issues have been addressed through completion of any necessary capital improvements, or through any interim improvements and arrangements as detailed by the owner, to the satisfaction of the General Manager, Toronto Water and the Executive Director, Development Review;
 - (iii) A revised noise study, air quality study, and a detailed design plan for any sensitive land use which demonstrate that appropriate noise and/or air quality mitigation works will be implemented and the noise and air quality studies have been peer review at the owner's expense. The owner may be requested to provide a copy to industrial operators within the Port Lands;
 - (iv) The requirements of Ministry of Environment, Conservation and Parks regulation and guidelines, including NPC-300, in accordance with the July 11, 2022 Ontario Land Tribunal Decision approving the Port Lands Area Specific Policies, have been satisfactorily addressed;
 - (v) The requirements of any agreements with the City and third parties, and the July 11, 2022 Ontario Land Tribunal Decision respecting noise and air quality mitigation have been satisfactorily addressed;
 - (vi) The location, design, and provision of transportation infrastructure to support the redevelopment have been secured to the satisfaction of the Executive Director, Development Review, including:
 - (a) The conveyance of lands to the City of Toronto required for the extension of Broadview Avenue south of Lake Shore Boulevard East and the submission of plans demonstrating consistency with the most recent designs available from the City of Toronto

Transportation Services, as of the date of the Settlement Offer, for the future extension of Broadview Avenue along the eastern frontage of the site;

- (b) The conveyance of lands to the City of Toronto required for the extension of Villiers Street east of Saulter Street South; and
 - (c) All lands conveyed to the City of Toronto are free and clear of all obstructions and encumbrances, save for tie backs as determined to be necessary during the site plan approval process, and subject to a temporary easement above and below ground in favour of the owners of 685 Lakeshore at no cost to provide for pedestrian and vehicular access purposes, including construction access, construction staging, and crane swings, until such time as the said lands have been laid out and dedicated for public highway purposes, all to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- (vii) The owner has provided written confirmation from the Toronto and Region Conservation Authority that:
- (a) Any necessary flood protection infrastructure is complete and functional, and the Special Policy Area designation is removed; or
 - (b) That the requirements of the Protocol Regarding the Lower Don Specific Policy Area have been satisfied;
- (viii) Acceptance by the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat, of a Housing Plan that identifies:
- (a) The percentage of dwelling units that will be two and three bedrooms in size for both the market units and for the affordable housing units;
 - (b) The proposed number, unit types, unit sizes, unit mix, layouts, location of affordable housing units, and all related facilities to support the affordable rental housing units in a development; and
- (ix) Approval by the Executive Director, Toronto Emergency Management, or their designate, of emergency servicing, including fire, paramedic, and fire service capacity for the proposed development.

Enacted and passed on [month day, year].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

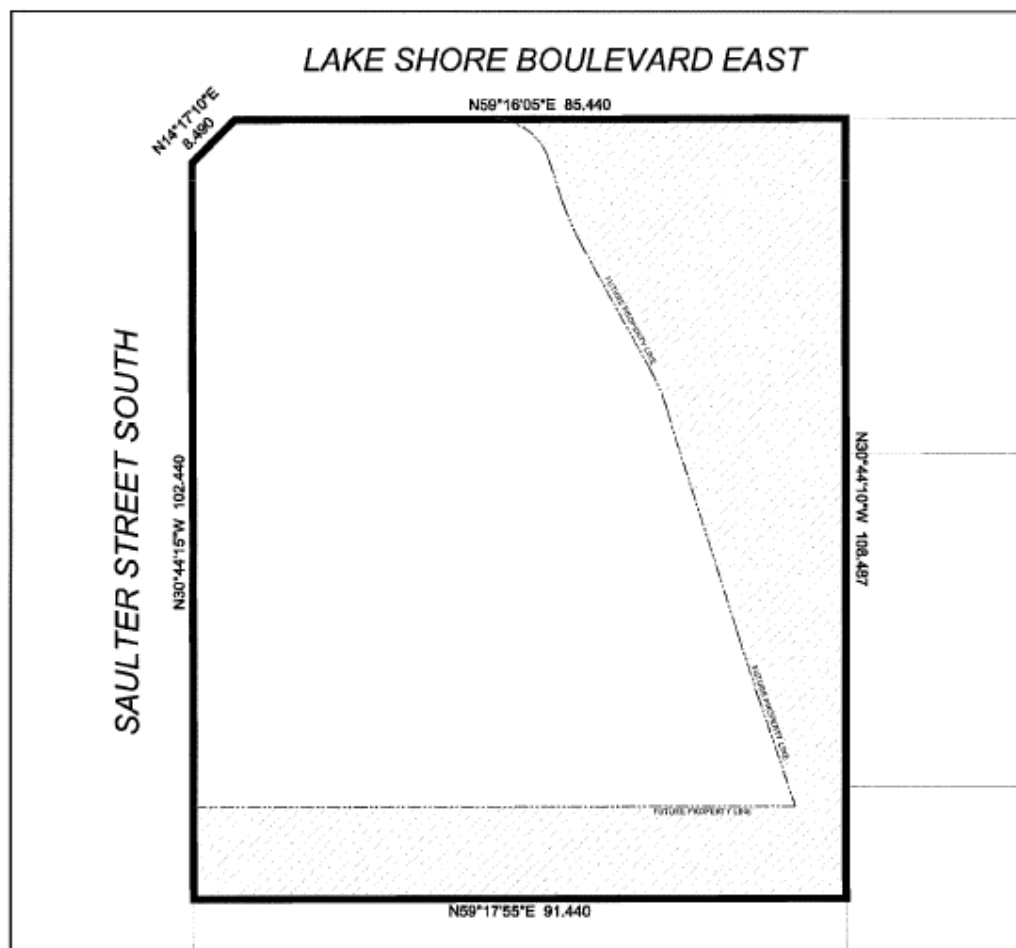


Diagram 1

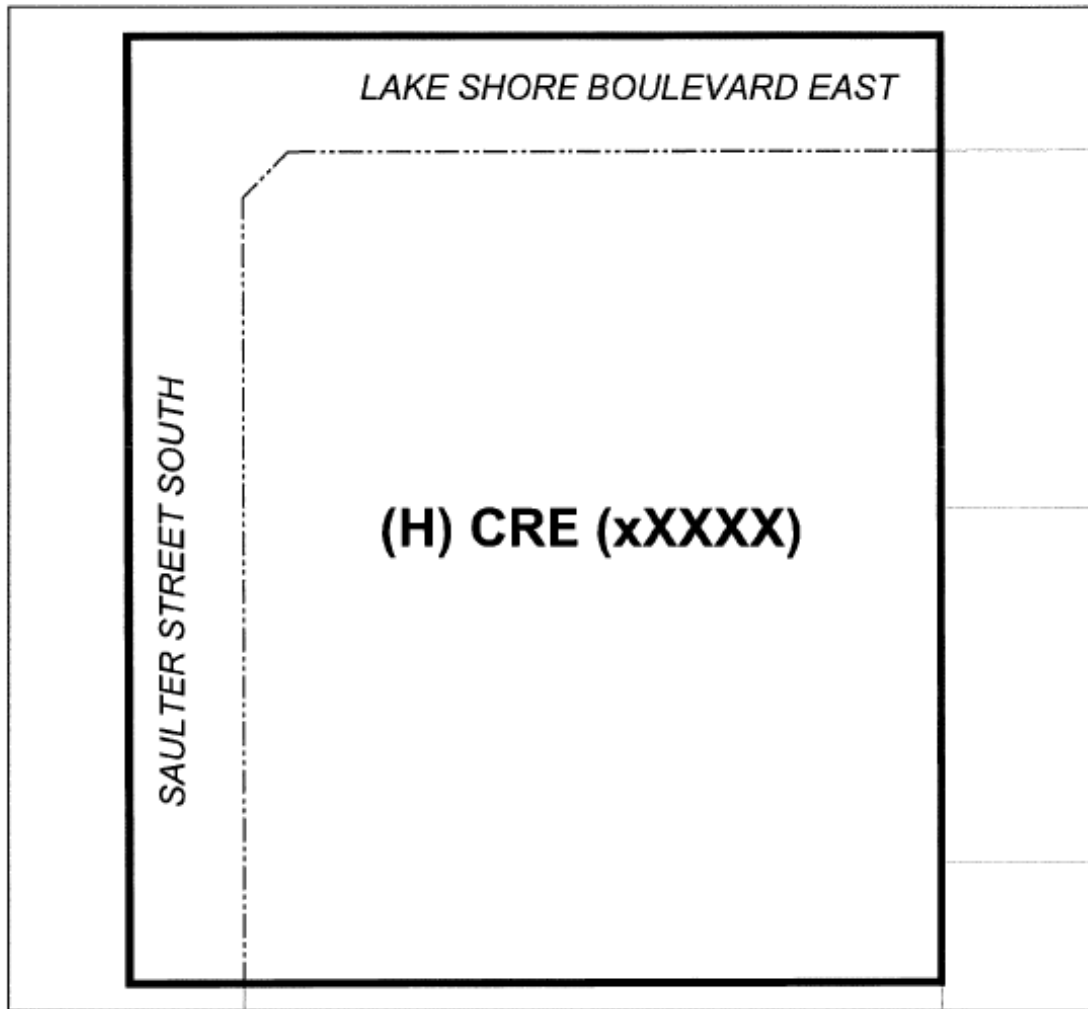
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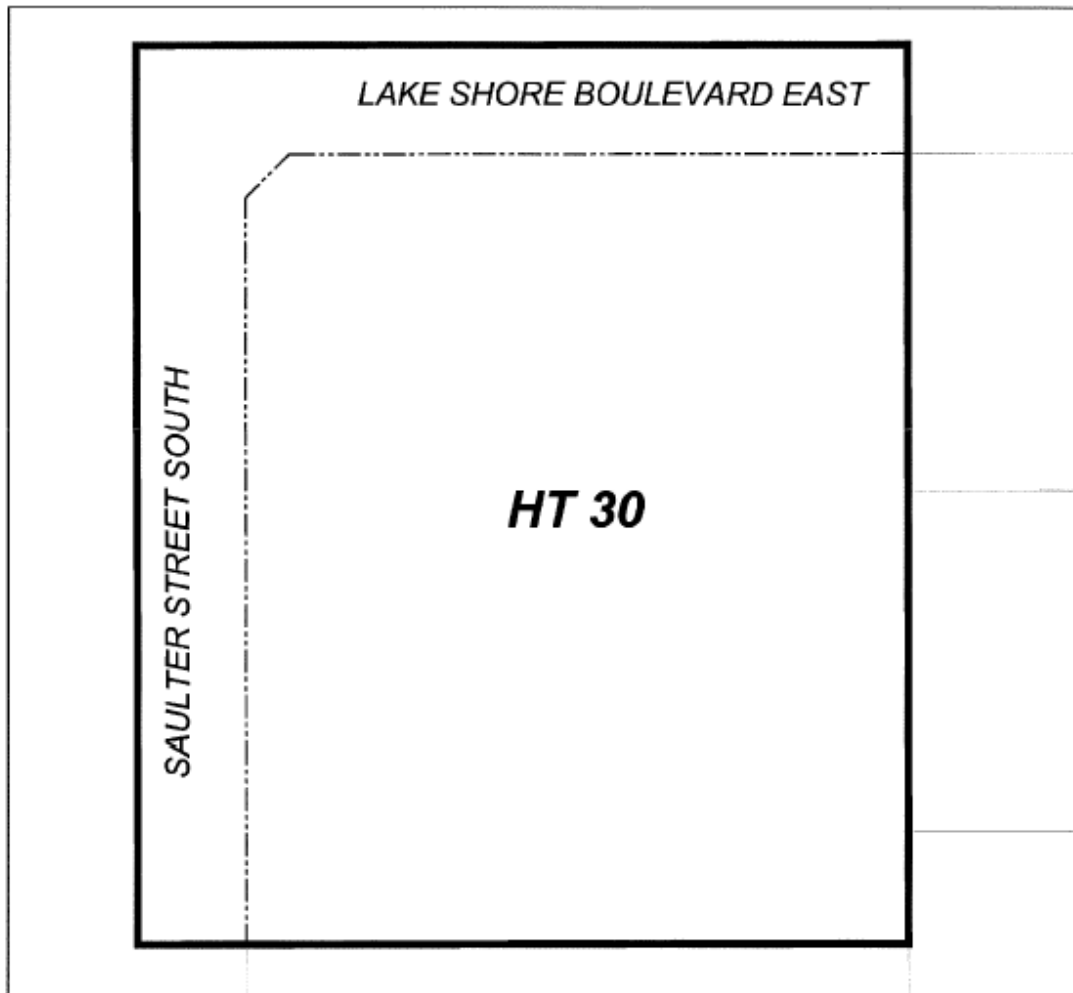
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Road Dedication



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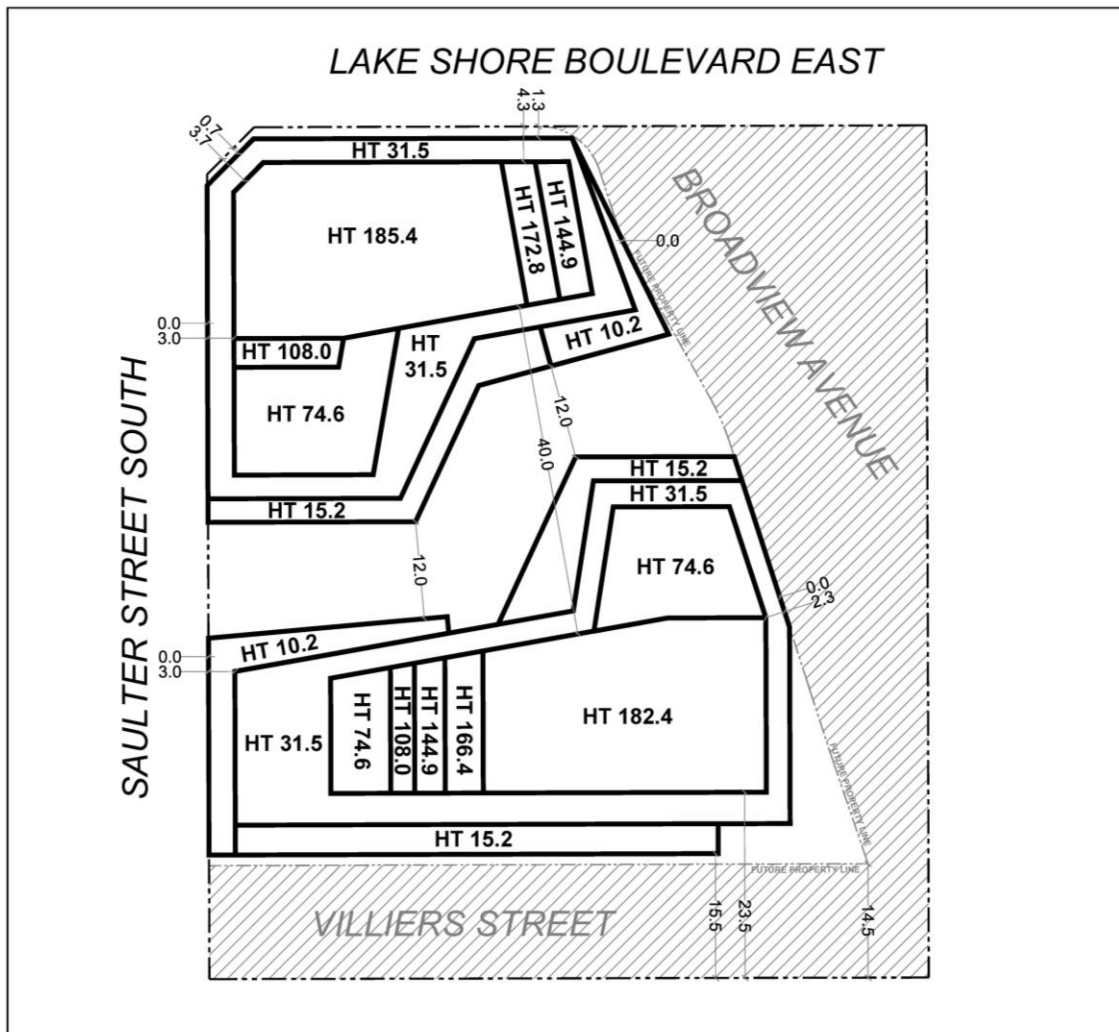


Diagram 4

685 Lake Shore Boulevard East

File #22 204512 STE 14 OZ

 Road Dedication



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