

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 27, 2024 **CASE NO(S):** OLT-23-001079
OLT-24-000714
OLT-24-000726

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

Applicant and Appellant: Cartareal Corporation N.V.
Subject: Application to amend the Zoning By-law-
Refusal or Failure to make a decision
Description: To permit a 64-storey mixed-use building
containing 704 residential units
Reference Number: 22 198152 STE 11 OZ
Property Address: 505 University Avenue
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-23-001079
OLT Lead Case No.: OLT-23-001079
OLT Case Name: Cartareal Corporation N.V. v. Toronto (City)

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

Applicant and Appellant: Cartareal Corporation N.V.
Subject: Request to amend the Official Plan – Failure to
adopt the requested amendment
Description: To permit a 64-storey mixed-use building
containing 704 residential units
Reference Number: 24 118172 STE 11 OZ
Property Address: 505 University Avenue
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-24-000714
OLT Lead Case No.: OLT-24-000714
OLT Case Name: Cartareal Corporation N.V. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 29 (11) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18

Appellant:	Cartareal Corporation N.V.
Description:	Designate 505 University Avenue as a heritage property
Reference Number:	By-law 505-2024
Property Address:	505 University Avenue
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-000726
OLT Lead Case No.:	OLT-24-000726
OLT Case Name:	Cartareal Corporation N.V. v. Toronto (City)

Heard: September 16, 2024 by Video Hearing

APPEARANCES:

Parties

Cartareal Corporation N.V.
City of Toronto
481 Uni Investments Inc.

Counsel

Mary L. Flynn-Guglietti
Daniel Elmadany
Maggie Bassani

MEMORANDUM OF ORAL DECISION DELIVERED BY GREGORY J. INGRAM ON SEPTEMBER 16, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the second Case Management Conference (“CMC”) concerning Cartareal Corporation N.V.’s (“Appellant”) Appeal due to the City of Toronto’s (“City”) failure to make a decision on an application for a Zoning-By-law amendment (“ZBA”) under s. 34(11) of the *Planning Act*, R.S.O. 1990 (“Act”) as amended and within the timeframes prescribed in the Act for the property known as 505 University Avenue (“Subject Property”). The first CMC regarding this matter occurred in February 2024.

[2] The Appellant seeks to build a 64-storey mixed-use building at the Subject Property where zoning currently permits a 45-storey building. The redevelopment proposes 704 residential units, a 12-storey office podium and four-storey below-grade parking. To permit the proposal, a ZBA is required to amend both the former City's Zoning By-law No. 438- 86 and By-law No. 569-2013. There is an existing 20-storey office building with retail at grade on the Subject Property and it is zoned Commercial Residential.

[3] This was also the first CMC relating to Appeals launched after the ZBA was initiated concerning an Official Plan Amendment ("OPA") under s. 22 (7) of the Act and a heritage designation matter under s. 29(11) of the *Ontario Heritage Act* R.S.O. 1990, c. O.18 ("*Heritage Act*") for the Subject Property. The OPA (OLT Case File No. OLT-24-000714) seeks to remove the requirement of Policy 6.15 in OPA 406 related to the replacement of existing institutional and non-residential gross floor area to a minimum of 450 square metres. The Appellant is also appealing the City's decision to enact By-law No. 505-2024 for the Subject Property under the *Heritage Act* (OLT Case File No. OLT-24-000726) which designated the Subject Property as having cultural heritage value or interest.

[4] The Affidavit of Service was sworn on August 13, 2024, for the OPA and *Heritage Act* matter and confirms that notice was served. The Affidavit of Service was marked as **Exhibit 2**, and on the consent of the Parties, it was determined that no further notice is required.

[5] The Appellant filed a Notice of Motion with the Tribunal to consolidate the Appeals in August 2024. It was requested at this CMC, with the consent of the other Parties, that the Tribunal defer hearing submissions on the Motion to Consolidate to a future date, as the Parties have agreed to participate in private mediation regarding the appeals. Four dates for mediation have been set in November and December 2024. The Parties submitted that the next CMC be scheduled in February 2025 at which time

it will be known if the mediation has been successful and if not, the Parties will request that it be converted to a Motion Hearing to consider the consolidation of the Appeals.

[6] The Tribunal scheduled the next CMC for **Friday, February 28, 2025, by video hearing at 10 a.m.** The Parties will update the Tribunal on or before **Friday, February 14, 2025**, regarding the mediation process and provide a proposed agenda for the CMC, a request to convert the CMC to a hearing to consider a settlement or a request to convert the CMC to a Motion Hearing to consolidate the Appeals.

GoToMeeting: <https://global.gotomeeting.com/join/656004293>

Access Code: 656-004-293

[7] Parties and Participants are asked to log into the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[8] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[9] Persons who experience technical difficulties accessing the GoToMeeting application, or who only wish to listen to the event, can connect to the event by calling into an audio-only telephone line: **(Toll-Free) 1-888-299-1889 or +1 (647) 497-9373.**

[10] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Video Hearing to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[11] The Member is not seized, and no further notice is required.

ORDER

[12] THE TRIBUNAL ORDERS THAT:

1. A Case Management Conference shall commence according to the details set out above beginning at paragraph [6].

“Gregory J. Ingram”

GREGORY J. INGRAM
MEMBER

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.