

Ontario Land Tribunal

Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 06, 2024

CASE NO(S):

OLT-23-001243

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

Applicant/Appellant	Canadian Tire Real Estate Limited
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the redevelopment of the subject site to permit two mixed-use towers thirty-three- and forty-four-storeys in height with an eight-storey podium
Reference Number:	22 241654 STE 19 OZ
Property Address:	2681 Danforth Avenue
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-23-001243
OLT Lead Case No:	OLT-23-001243
OLT Case Name:	Canadian Tire Real Estate Limited v. Toronto (City)

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

Applicant/Appellant	Canadian Tire Real Estate Limited
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the redevelopment of the subject site to permit two mixed-use towers thirty-three- and forty-four-storeys in height with an eight-storey podium
Reference Number:	22 241654 STE 19 OZ
Property Address:	2681 Danforth Avenue
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-23-001244
OLT Lead Case No:	OLT-23-001243

Heard:

February 29, 2024 via Video Hearing

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

Canadian Tire Corporation
Canadian Tire Real Estate
Limited

Jennifer Evola
Signe Leisk (*in absentia*)

City of Toronto

Jason Davidson
Nathan Muscat (*in absentia*)
Michelle LaFortune (*in absentia*)

Tri Metro Investments Inc.

Andy Margaritis
Liam Valgardson
Mark Flowers (*in absentia*)

Jacob's Tent Inc.

Michael Cara
Daniel Artenosi (*in absentia*)

6 Dawes Fitzrovia Inc.

Michael Cara
Daniel Artenosi (*in absentia*)

Minto Communities Canada
Inc.

Belinda Schubert
Cynthia MacDougall (*in absentia*)

Dandaw Developments
Limited

Daniel Angelucci
Michael Foderick (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON ON FEBRUARY 29,
2024 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This first Case Management Conference (“CMC”) was held in respect of an appeal filed pursuant to subsections 22(7) and 34(11) of the *Planning Act* concerning the failure of the City of Toronto (“City”) to make a decision within statutory timelines on applications for Official Plan Amendment and Zoning By-Law Amendment (“Applications”) in respect of the property known as 2681 Danforth Avenue (“Subject Property”). The Applications were filed by Canadian Tire Real Estate Limited (“Appellant”) and would facilitate a thirty-three-storey and forty-four-storey building connected by an eight to nine storey podium.

NOTICE

[2] An Affidavit of Service sworn on January 30, 2024, attesting to the giving of notice for this proceeding, was marked as **Exhibit 1**.

REQUESTS FOR STATUS

[3] In advance of the CMC, the Tribunal received five requests for Party Status from landowners adjacent to or nearby the Subject Property with a general interest in the matter.

- a. Tri-Metro Investments Inc. ("Tri-Metro") is the owner of 2721 Danforth Avenue adjacent to the Subject Property and has a site-specific development application appealed to the Tribunal;
- b. Jacob's Tent Inc. ("Jacob's Tent") is the owner of 2575 Danforth Avenue adjacent to the Subject Property and with an application appealed to the Tribunal for a proposed development comprised of five new mixed-use buildings;
- c. 6 Dawes Fitzrovia Inc. ("Fitzrovia") is the owner of 6 Dawes Road located north of the Subject property with an approved development to facilitate four residential towers and related new infrastructure;
- d. Minto Communities Canada Inc. ("Minto") is the owner of 9-25 Dawes Road located in close proximity to the Subject Property with an approved development; and,
- e. Dandaw Developments Limited ("Dandaw") is the owner of 10-30 Dawes Road directly adjacent to the Subject Property.

[4] Having reviewed the requests and with no objection raised by the statutory parties, the Tribunal granted Party status to Tri-Metro, Jacob's Tent, Fitzrovia, Minto, and Dandaw.

PROCEDURAL ORDER AND ISSUES LIST

[5] The Tribunal was provided with a draft Procedural Order ("PO") and Issues List ("IL") in advance of the CMC and discussed same with the Parties at the CMC. The Tribunal received and approved the final PO and IL with the consent of the Parties prior to the issuance of this decision. The PO and IL at **Schedule 1** attached to this decision shall govern these proceedings.

MEDIATION

[6] The Parties advised that they are currently engaged in non-Tribunal led mediation and will continue discussions with a view to scoping or resolving various issues.

HEARING DATES

[7] At the request of the Parties, the Tribunal scheduled a **ten-day** video hearing event commencing on **Monday, February 24, 2025 at 10 a.m.**

[8] 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:

<https://global.gotomeeting.com/join/660145013>

Access code: 660-145-013

[9] 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](https://app.gotomeeting.com/home.html) or a web application is available:

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

[10] 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.** The **access code** is as **indicated above.**

[11] 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 hearing by video 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.

ORDER

[12] The Tribunal orders that the Procedural Order and Issues List set out as **Schedule 1** is deemed in force and effect and shall govern the hearing of the merits.

[13] The Tribunal orders that a **ten-day** merit hearing shall commence at **10 a.m.** on **Monday, February 24, 2025** and conclude on or before **Friday, March 7, 2025.**

[14] No further notice is required.

[15] The Member is not seized of this matter.

"A. Mason"

A. MASON
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.



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

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CASE NO(S): OLT-23-001243

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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

2. The video hearing will begin on **February 24, 2025, at 10:00 am** by video conference. Video Conference link to be confirmed.
3. The parties' initial estimation for the length of the hearing is **10 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.
4. **Attachment 1** contains a summary of all procedural order deadlines.
5. The parties and participants identified at the case management conference are set out in **Attachment 2** See **Attachment 5** for the meaning of these terms.
6. The issues are set out in the Issues List attached as **Attachment 3**. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
7. The order of evidence shall be as set out 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.
8. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible and ideally before the case management conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
9. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

10. 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, the expert witness(es)' curriculum vitae and Acknowledgment of Expert Duty form(s), and the order in which they will be called. This list must be delivered on or before

October 25, 2024 (122 days before the hearing is scheduled to commence).

For expert witnesses, a party is to identify the area of expertise in which the witness is proposed to be qualified.

11. Any challenges to the witness, including qualifications of a witness to give opinion evidence in the area of expertise proposed shall be made by motion in accordance with the Tribunal's Rules of Practice and Procedure and notice of same must be served on the parties on or before **November 8, 2024 (108 days before the hearing is scheduled to commence)**.
12. 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, and updated supporting documents and reports to the other parties on or before **September 27, 2024 (150 days before the hearing is scheduled to commence)**. The applicant acknowledges that any revisions to the proposal after that date without the consent of the parties may be grounds for a request to adjourn the hearing.
13. Expert witnesses in the same field shall have at least one meeting on or before **November 26, 2024 (90 days before the hearing is scheduled to commence)** 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 confirm the remaining issues to be addressed with the OLT case co-ordinator on or before **December 11, 2024 (75 days before the hearing is scheduled to commence)**.
14. On or before **December 20, 2024 (66 days before the hearing is scheduled to commence)**, the parties shall provide copies of any witness and expert witness statements to the other parties and to the OLT case co-ordinator.
15. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, on or before **December 20, 2024 (66 days before the hearing is scheduled to commence)**.
16. Expert witnesses 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. Instead of an expert 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.
17. 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 on or before **December 20, 2024 (66 days before the hearing is scheduled to commence)**.

18. On or before **December 20, 2024 (66 days before the hearing is scheduled to commence)**, a participant shall provide copies of their written participant statement to the other parties. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
19. On or before **January 13, 2025 (42 days before the hearing is scheduled to commence)**, the parties may provide to all other parties and the OLT case co-ordinator a written response to any written evidence.
20. On or before **January 20, 2025 (35 days before the hearing is scheduled to commence)** the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
21. On or before **January 24, 2025 (31 days before the hearing is scheduled to commence)** the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
22. The parties shall cooperate to prepare a joint document book. A final copy will be served to all parties and shared with the OLT case co-ordinator on or before **February 4, 2025 (20 days before the hearing is scheduled to commence)**.
23. A person wishing to change written evidence, including witness statements, 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.*
24. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal **at least 7 days** before the hearing that the written evidence is not part of their record.
25. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **February 14, 2025 (10 days before the hearing is scheduled to commence)** 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 Hearing Plan should be adhered to during the Hearing Event to the best ability of all the parties, and any and all witnesses shall be available on the identified date(s), unless otherwise directed by the Tribunal. The Tribunal may, at its discretion, change or alter the Hearing Plan throughout the Hearing Event.

26. All filings shall be submitted electronically to the Tribunal, parties, and any participants. The Tribunal will be provided a hard copy of documents and materials in advance of the hearing event as soon as practicable upon request. 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 the *Rule 7*. All documents to be filed with the Tribunal shall be organized, tabbed and digitally searchable and such materials will be filed in accordance with directions contained in the Tribunal's Video Hearing Guide, or as may be amended.

27. 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.

This Member is [not] seized.

So orders the Tribunal.

Attachment 1
Summary Of Dates

DATE	EVENT
September 27, 2024 (150 days before the hearing is scheduled to commence)	Last date to provide copies of revised proposal, including all revised plans and drawings (if any)
October 25, 2024 (122 days before the hearing is scheduled to commence)	Exchange of witness lists (names, disciplines and order to be called)
November 8, 2024 (108 days before the hearing is scheduled to commence)	Last date to challenge witnesses or qualifications of a witness to give opinion evidence (if necessary)
November 26, 2024 (90 days before the hearing is scheduled to commence)	Experts meeting prior to this date
December 11, 2024 (75 days before the hearing is scheduled to commence)	Statement of agreed facts
December 20, 2024 (66 days before the hearing is scheduled to commence)	Exchange of witness statements, summoned witness outlines, expert reports, and participant statements
January 13, 2025 (42 days before the hearing is scheduled to commence)	Exchange of reply witness statements (if any)
January 20, 2025 (35 days before the hearing is scheduled to commence)	Parties to Advise Tribunal if any hearing dates are to be released from the hearing calendar (if any)
January 24, 2025 (30 days before the hearing is scheduled to commence)	Exchange of visual evidence (if any)
February 4, 2025 (20 days before the hearing is scheduled to commence)	Finalize joint document book
February 14, 2025 (10 days before the hearing is scheduled to commence)	Hearing plan filed with the Tribunal
February 24, 2025	Hearing commences

Attachment 2

List of Parties and ParticipantsA. PARTIES

		<u>Counsel/* Agent</u>
1)	Canadian Tire Real Estate Limited	Signe Leisk / Jennifer Evola Cassels Brock & Blackwell LLP 40 Temperance Street, Suite 3200 Toronto, ON M5H 0B4 Email: sleisk@cassels.com / jevola@cassels.com Tel: 416.869.5411 / 416.860.6753
2)	City of Toronto	Jason Davidson/Nathan Muscat/Michelle LaFortune The City of Toronto, Legal Services Metro Hall, 55 John Street 26 th Floor Toronto, ON M5V 3C6 Email: jason.davidson@toronto.ca / nathan.muscat@toronto.ca / michelle.lafortune@toronto.ca Tel: 416.392.4835/416.392.5475/ 416.338.0642
3)	Jacob's Tent Inc. / 6 Dawes Fitzrovia Inc.	Daniel Artenosi / Michael Cara Overland LLP Yonge Norton Centre 5255 Yonge Street, Suite 1101 Toronto, ON M2N 6P4 Email : dartenosi@overlandllp.ca / mcara@overlandllp.ca Tel : 416.730.0320 / 416.730.8844
4)	Tri-Metro Investments Inc.	Mark Flowers / Andy Margaritis Davies Howe LLP 425 Adelaide Street West, 10 th Floor Toronto, ON M5V 3C1

		Email: markf@davieshowe.com / andym@davieshowe.com Tel: 416.977.7088
5)	Minto Communities Canada Inc. on behalf of Minto (Dawes) GP Inc	Cynthia MacDougall / Belinda Schubert McCarthy Tétrault LLP Toronto-Dominion Bank Tower, Suite 5300 Toronto, ON M5K 1E6 Email: cmacdoug@mccarthy.ca / bschubert@mccarthy.ca Tel: 416.601.7634
6)	Dandaw Developments Limited	Michael Foderick/Daniel Angelucci McCarthy Tétrault LLP Toronto-Dominion Bank Tower, Suite 5300 Toronto, ON M5K 1E6 T: 416.601.7783/416.601.7569 E: mfoderick@mccarthy.ca / dangelucci@mccarthy.ca

Attachment 3

Issues List

NOTE: The identification of an issue on the Issues List does not constitute an acknowledgement by the Tribunal or any Party that the issue is either relevant or appropriate. The identification of an issue on this list by a Party indicates that Party's intent to lead evidence or argue that the issue is relevant to the proceeding, for the purpose of fairly identifying to the other Parties the case they need to meet and shall not be construed as the Tribunal having jurisdiction over such matters in each circumstance. Accordingly, no Party shall advance an issue not identified on the Issues List without leave of the Tribunal.

City of Toronto

Official Plan and Zoning By-law Amendment Issues

Planning Act

1. Do the proposed development, Official Plan Amendment, and Zoning By-law Amendment have appropriate regard for the matters of provincial interest as set out in Section 2 of the Planning Act, including (f), (q) and (r)?
2. Would the approval of the proposed development, the Zoning By-law Amendments and Official Plan Amendments have regard for the decisions of City Council as required by Section 2.1 of the Planning Act?

Provincial Policy Statement

3. Are the proposed development, Official Plan Amendment, and Zoning By-law Amendment consistent with the Provincial Policy Statement (2020), particularly 1.1.1, 1.1.3.2, and 4.6, pursuant to Section 3 of the Planning Act?

Growth Plan

4. Do the proposed development, Official Plan Amendment, and Zoning By-law Amendment conform with and not conflict with the Growth Plan for the Greater Golden Horseshoe (2019), particularly 2.2.1.4, 2.2.2.3, 2.2.3.1, 2.2.4.9 and 5.2.5.6?

City Of Toronto Official Plan

5. Does the proposed development conform to the in-force policies of the City of Toronto Official Plan, including sections: 3.1.1 (The Public Realm), 3.1.3 (Built

DRAFT

Form), 3.1.4 (Built Form – Building Types), 3.2.1 (Housing), 3.2.3 (Parks and Open Spaces), and 4.5 (Mixed Use Areas)?

6. Does the proposed development conform to the SASP 577 as approved by the Tribunal, being Chapter 7 to the City's Official Plan (adopted through Official Plan Amendment 478 or "OPA 478"), particularly policies 2 (Public Realm), 6 (Land Use), 7 (Built Form), 11 (Servicing).
7. Is the requested Official Plan Amendments to SASP 577 (OPA 478) to permit the proposed development appropriate?

Urban Design Guidelines

8. Does the proposed development meet the general intent and purpose of the city-wide Tall Building Design Guidelines, particularly guidelines 1.2, 1.3, 1.4 , 3.1 and 3.2.
9. Does the proposed development meet the general intent and purpose of the Danforth Avenue Urban Design Guidelines, particularly guidelines 4.2, 4.3, and 4.4?

Site-Specific Issues

10. Are the site organization and built form of the proposed development appropriate, including:
 - a. Are the proposed building configurations, orientations, heights, and setbacks, appropriate?
 - b. Does the proposal provide an appropriate transition to surrounding land uses and built form?
 - c. Does the proposal consolidate and reduce vehicular loading and driveways to provide dedicated areas for pedestrians and open spaces?
 - d. Are the shadow impacts from the proposed development adequately limited, on the sidewalk on the north side of Danforth Avenue and Coleman Park?
 - e. Are the wind impacts from the proposed development adequately limited, particularly on spaces where people are expected to congregate and sit, such as outdoor amenity spaces?
 - f. Does the proposed development represent principles of good planning and urban design?

11. Does the proposed development provide an appropriate relationship with the adjacent development proposal at 2721 Danforth Avenue? In particular, does the proposed development provide for appropriate block planning and the midblock connections outlined in Official Plan Amendment 478?
12. Is the proposed public park have appropriately located and does its size and configuration accommodate appropriate programming?
13. Does the proposed development resolve issues related to transportation, including the provision of a public road and road widenings?
14. Does the proposed development resolve issues related to servicing capacity and appropriate stormwater management?

Good Planning and Public Interest

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

Conditions Prior to Final Order

16. 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 and Official Plan Amendment until City Solicitor has confirmed that the following conditions have been satisfied:
 - a. the final form and content of the draft Official Plan Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
 - b. the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

Jacob's Tent Inc.

17. Will the proposed development result in unacceptable adverse impact to the existing uses at 2575 and 2625 Danforth Avenue or the redevelopment of these lands as proposed by the Zoning By-law Amendment application filed by Jacob's Tent Inc. (City File No. 22 196279 STE 19 OZ; OLT Case No. OLT-23-001063)?

18. Does the proposed development appropriately provide for or contribute to the community infrastructure planned for the area through Official Plan Amendment No. 478 including but not limited to new parks and public roads? Have these upgrades been appropriately secured through the proposed Zoning By-law Amendment?

Tri-Metro Investments Inc.

Provincial Legislation and Policy

19. Does the proposed development have regard to the matters of provincial interest set out in section 2 of the Planning Act, including subsections (h), (i), (j), (m), (n), (p), (q), and (r)?
20. Is the proposed development consistent with the Provincial Policy Statement (2020), including policies 1.1.1b), 1.1.1g), 1.1.3.2a), 1.1.3.2b), 1.1.3.3, 1.1.3.4, 1.5.1a), 1.5.1b), 1.6.2, 1.7.1e), and 4.6?
21. Does the proposed development conform to and not conflict with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), including policies 2.1, 2.2.1.3, 2.2.1.4, 2.2.4.8, 2.2.4.9, 4.2.5.1, 4.2.5.2, and 5.2.1?

City Policy and Guidelines

22. Does the proposed development conform to and/or maintain the intent and purpose of the City of Toronto Official Plan, including the following policies:
- a. Avenues: Reurbanizing Arterial Corridors – 2.2.3.1 and 2.2.3.2
 - b. Healthy Neighbourhoods – 2.3.1.3 and 2.3.1.7
 - c. The Public Realm – 3.1.1.1, 3.1.1.2, 3.1.1.3, 3.1.1.10, 3.1.1.11, 3.1.1.12, 3.1.1.14, 3.1.1.15, 3.1.1.18, and 3.1.1.19
 - d. Built Form – 3.1.3.1, 3.1.3.2, 3.1.3.3, 3.1.3.4, 3.1.3.5, 3.1.3.6, 3.1.3.7, 3.1.3.8, and 3.1.3.10
 - e. Built Form – Building Types – 3.1.4.10 and 3.1.4.11
 - f. Parks and Open Spaces – 3.2.3.1, 3.2.3.2, 3.2.3.4, 3.2.3.5, 3.2.3.6, and 3.2.3.8
 - g. Mixed Use Areas – 4.5.2

23. Does the proposed development conform to and/or maintain the intent and purpose of Official Plan Amendment 420 and Site and Area Specific Policy 552, including the following policies:
- a. Public Realm – 3.1, 3.2, and 3.3
 - b. Development Criteria – Entire Study Area – 5.1 and 5.2
 - c. Urban Design Guidelines – 9.1
24. Does the proposed development conform to and/or maintain the intent and purpose of Official Plan Amendment 478 and Site and Area Specific Policy 577, including the following policies:
- a. Objectives – 1.1, 1.2, 1.4, 1.5, 1.7, 1.8, and 1.12
 - b. Public Realm – 2.1.1, 2.1.8, 2.2.3, 2.2.5, 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.7, and 2.3.9.
 - c. Built Form – 7.3.1, 7.3.2, 7.3.6, and 7.4.2
25. Does the proposed development provide adequate tower and midrise setbacks and separation distances from the adjacent property at 2721 Danforth Avenue, in respect of the above policies?
26. Does the proposed development provide an appropriate parkland dedication location in respect of the above policies and the adjacent property at 2721 Danforth Avenue?
27. Does the proposed development provide an appropriate mid-block connection location in respect of the above policies and the adjacent property at 2721 Danforth Avenue?
28. Does the proposed development appropriately respond to Council-approved urban design guidelines, including the Tall Building Design Guidelines?

Good Planning and Public Interest

29. Is the form and content, including regulatory standards, of the proposed Draft Official Plan Amendment and Draft Zoning By-law Amendments appropriate?

30. In respect of the foregoing issues, does the proposed development including the Draft Official Plan Amendment and the Draft Zoning By-law Amendments represent good planning and good urban design, and is approval in the public interest?

Minto Communities Canada Inc. on behalf of Minto (Dawes) GP Inc

31. Has the servicing proposal in respect of the development which would be permitted by the proposed Official Plan Amendment and Zoning By-law Amendment included provisions appropriate to secure that it does not unduly impact the servicing of proximate lands, including but not limited to with reference to the process/protocol set out in OPA 478 or Official Plan policy otherwise? If not, what changes to the servicing proposal or development permissions would be required to avoid such impact(s)?

32. Is the impact of the net vehicular traffic anticipated to be generated by the development which would be permitted by the proposed Official Plan Amendment and Zoning By-law Amendment on affected properties acceptable? If not, should such instruments be modified to provide for:

- a. different development permissions; and/or
- b. secured improvements to traffic infrastructure;

such that affected lands are not subject to undue impact. If such is the case, what would the necessary changes be?

33. Does the proposed development inappropriately impact the area pedestrian network?

6 Dawes Fitzrovia Inc.

34. Will the proposed development result in unacceptable adverse impact to the redevelopment of 6 Dawes Road and the approvals that have been granted by the Ontario Land Tribunal (OLT Case No. PL210195)?

35. Does the proposed development appropriately provide for or contribute to the community infrastructure planned for the area through Official Plan Amendment No. 478 including but not limited to the Dawes Road extension and servicing upgrades? Have these upgrades been appropriately secured through the proposed Zoning By-law Amendment?

Dandaw Developments Limited

36. Does the proposed redevelopment of 2681 Danforth Avenue conform with the City of Toronto Official Plan Amendment No. 478, and in particular, the policies relating to road, sanitary sewer, watermain, and storm sewer servicing and capacity?
37. Is there adequate road, sanitary sewer, watermain, and storm sewer capacity to service any proposed redevelopment of 2681 Danforth Avenue, having regard to their planned function and the surrounding lands, including 8 and 10-30 Dawes Road?
38. Are any upgrades are required for road, sanitary sewer, watermain, and storm sewer services to service any proposed redevelopment of 2681 Danforth Avenue?
39. If upgrades are required for road, sanitary sewer, watermain, and storm sewer services, how should such upgrades should be secured through the approvals process for the proposed redevelopment of 2681 Danforth Avenue?
40. Will any aspect of the servicing of the proposed redevelopment of 2681 Danforth Avenue, or the framework put in place to provide for the servicing of the proposed redevelopment of 2681 Danforth Avenue, negatively affect the servicing of 8 and 10-30 Dawes Road?
41. Are any changes required to the proposed servicing of the proposed redevelopment of 2681 Danforth Avenue to prevent adverse impacts on the servicing of 8 and 10-30 Dawes Road?
42. Will the road network required for the proposed redevelopment of 2681 Danforth Avenue result in adverse impacts to access or traffic for 8 and 10-30 Dawes Road?
43. Are any changes required to the road network for the proposed redevelopment of 2681 Danforth Avenue to prevent adverse impacts to access or traffic for 8 and 10-30 Dawes Road?

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Attachment 4

NOTE: Where Parties of like interest have issues in common, they shall make reasonable efforts to coordinate their examinations-in-chief and cross-examinations so as to minimize any duplication or overlap of evidence. The Order of Evidence will be described in greater detail in the Hearing Plan that is filed with the Tribunal.

1. Canadian Tire Real Estate Limited (Applicant/Appellant)
2. City of Toronto
3. Jacob's Tent Inc.
4. Tri-Metro Investments Inc.
5. Minto Communities Canada Inc. on behalf of Minto (Dawes) GP Inc
6. 6 Dawes Fitzrovia Inc.
7. Dandaw Developments Limited
8. Reply by Canadian Tire Real Estate Limited (if necessary)

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Attachment 5

Meaning of terms used in the Procedural Order:

A **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. An **unincorporated group** cannot be a party and 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 a list of reports or materials 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 supporting their opinions and conclusions and (5) a list of reports or materials 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 agreed 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](#) 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.