

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 19, 2025

CASE NO.: OLT-24-000143

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

Applicant and Appellant: Keeli Li GP Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of a 33-storey mixed use building.
Reference Number: 22 241754 WET 05 OZ
Property Address: 2636, 2640, 2642 and 2654 Eglinton Avenue West and 1856 and 1856A Keele Street
Municipality/UT: Toronto
OLT Case No.: OLT-24-000143
OLT Lead Case No.: OLT-24-000143
OLT Case Name: Keeli Li GP Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, as amended

Appellant: Keeli Li GP Inc.
Subject: Site Plan
Description: To permit the development of a 33-storey mixed use building.
Reference Number: 22 241752 WET 05 SA
Property Address: 2636, 2640, 2642 and 2654 Eglinton Avenue West and 1856 and 1856A Keele Street
Municipality/UT: City of Toronto
OLT Case No.: OLT-24-000144
OLT Lead Case No.: OLT-24-000143
OLT Case Name: Keeli Li GP Inc. v. Toronto (City)

BEFORE:

HUGH S. WILKINS)	Thursday, the 19 th
VICE CHAIR)	
)	day of June, 2025

INTERIM ORDER

THIS MATTER having come before the Tribunal by way of written hearing;

AND THE TRIBUNAL being in receipt of a request for the approval in principle of a proposed Zoning By-law Amendment as agreed between Keeli Li GP Inc. (“Appellant”), the City of Toronto (“City”), and Metrolinx in a proposed settlement submitted on consent of the Parties to this proceeding;

AND THE TRIBUNAL having considered the request, which proposes a settlement between the Appellant, City, and Metrolinx to fully dispose of the Appellant’s appeal arising from the failure of the City to make a decision on the Appellant’s application for an amendment to Zoning By-law No. 569-2013 as it relates to the properties located at 2636, 2640, 2642 and 2654 Eglinton Avenue West and 1856 and 1856A Keele Street (“subject lands”) by allowing, among other elements:

- a total gross floor area of 24,000 square metres;
- a 36-storey building with height and setbacks restrictions;
- specific vertical and horizontal projections;
- a minimum indoor and outdoor amenity space of 4.0 square metres per unit;

- a minimum of one (1) Type “C” and one (1) Type “G” loading space and no loading spaces required for the retail use proposed at grade;
- bicycle parking in accordance with Bicycle Zone 1 for dwelling units in a mixed-use building under Zoning By-law 569-2013;
- at least 10 additional publicly accessible, short-term bicycle parking spaces, at-grade on the site or within the public boulevard; and
- a minimum of fifteen percent (15%) of the total units will be two-bedroom and a minimum of ten percent (10%) of the total units will be three-bedroom units;

AND THE TRIBUNAL being in receipt of and having considered the uncontested opinion evidence provided on behalf of the Appellant, which is contained in the affidavit of David Morse, affirmed on May 23, 2025;

AND WHEREAS the Tribunal qualifies Mr. Morse, who is a registered professional planner, to provide the Tribunal with opinion evidence in the area of land use planning;

AND WHEREAS Mr. Morse’s affidavit states that the proposed zoning by-law amendment will facilitate infill development and intensification within the City’s built-up urban area, the subject lands are well served by municipal infrastructure and transit, the proposed development represents a compatible form of residential intensification within its surrounding context, the subject lands are located within the City’s *Mixed Use Areas* designation and a Protected Major Transit Station Area, the subject lands have access to commercial retail amenities and access to higher order transit, the proposed development represents a contextually appropriate tall building that conforms to the built form policies of the Official Plan and is in keeping with the objectives of the City’s Tall Building Guidelines, the height and massing of the proposed development will fit harmoniously within its surrounding context, and the proposed development provides for

appropriate transitions from nearby lands designated *Neighbourhoods* and minimizes built form impacts, including shadowing, overlook, and privacy;

AND WHEREAS Mr. Morse's affidavit confirms that the proposed zoning by-law amendment:

- has regard for the applicable matters of provincial interest as set out in s. 2 of the *Planning Act*;
- is consistent with the Provincial Policy Statement, 2024;
- conforms with the City's Official Plan; and,
- represents good planning;

THE TRIBUNAL ORDERS THAT the Zoning By-law Amendment appeal is allowed in part, on an interim basis, contingent upon confirmation of the satisfaction of those pre-requisite matters identified below, and the draft Zoning By-law Amendment set out in **Attachment 1** to this Interim Order is hereby approved in principle.

THE TRIBUNAL WILL withhold the issuance of its Final Order contingent upon confirmation from the City Solicitor of the following pre-requisite matters:

- A. the Tribunal has received, and approved, the Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the Executive Director, Development Review, and the City Solicitor;
- B. the Tribunal is advised that the owner/Appellant has addressed all outstanding issues identified within the Engineering and Construction Services memorandum, dated February 12, 2024, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- C. the Tribunal is advised that the owner/Appellant has submitted a revised Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary, Foundation Drainage Summary Form, Foundation Drainage Technical Brief and Hydrological Review Summary to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- D. the Tribunal is advised that the owner/Appellant has made satisfactory arrangements with Engineering and Construction Services and has entered into the appropriate agreement(s) 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 Functional Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- E. the Tribunal is advised that the owner/Appellant has submitted an Environmental Noise and Vibration Assessment, such report to be peer reviewed by a third-party consultant on behalf of the City and at the owner/Appellant's expense, to the satisfaction of the Executive Director, Development Review;
- F. the Tribunal is advised that the owner/Appellant has provided a revised Pedestrian Level Wind Study including a revised Wind Tunnel test with the identification of any required mitigation measures to be secured in the Zoning By-law amendment and through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review;
- G. the Tribunal is advised that the owner/Appellant has addressed all outstanding issues raised by Metrolinx noted in correspondence, dated March 28, 2023, to the satisfaction of Metrolinx;

- H. the Tribunal is advised that the owner/Appellant has addressed and accommodated the required road widening, noted in correspondence, dated February 12, 2024, to the satisfaction of the General Manager, Transportation Review;
- I. the Tribunal is advised that the owner/Appellant has submitted a revised Transportation Impact Study, including all requested revisions, to the satisfaction of the General Manager, Transportation Review;
- J. the Tribunal is advised that the owner/Appellant has addressed all outstanding issues raised by Urban Forestry noted in correspondence, dated March 29, 2023, including the need for an updated Arborist Report, Landscape Plan, Planting Plan and Soil Volume Plan, to the satisfaction of the Executive Director, Environment, Climate and Forestry;
- K. the Tribunal is advised that the owner/Appellant has made revisions to the proposed Zoning By-law Amendment to meet the Toronto Green Standard requirements to the satisfaction of the Executive Director, Development Review;
- L. the Tribunal is advised that the owner/Appellant has provided an acceptable Tenant Relocation and Assistance Plan to address Official Plan Policies 3.2.1.12, to the satisfaction of the Chief Planner and the City Solicitor; and
- M. the Tribunal is advised that the owner/Appellant has entered into a Limiting Distance Agreement with the City and Metrolinx, which would secure the tower setbacks and separation distances shown on the Block Plan prepared by GH3 Inc., to the satisfaction of the Executive Director, Development Review, the City Solicitor, and Metrolinx.

THE TRIBUNAL WILL WITHHOLD the issuance of its Final Order contingent upon confirmation from Metrolinx of the following pre-requisite matters:

- A. the Tribunal is advised that the form and content of the final Zoning By-law Amendment is satisfactory to Metrolinx;
- B. the Tribunal is advised that the owner/Appellant has addressed all outstanding issues raised by Metrolinx noted in correspondence, dated March 28, 2023, to the satisfaction of Metrolinx;
- C. the Tribunal is advised that the Technical Review has been completed to the satisfaction of Metrolinx; and
- D. the Tribunal is advised that the owner/Appellant has entered into a Limiting Distance Agreement with the City and Metrolinx, which would secure the tower setbacks and separation distances shown on the Block Plan prepared by GH3 Inc., to the satisfaction of the Executive Director, Development Review, the City Solicitor, and Metrolinx.

THE TRIBUNAL ORDERS THAT the Panel Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-Law Amendment and the issuance of the Final Order.

THE TRIBUNAL ORDERS THAT if the Parties do not submit the final draft of the Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out above have been satisfied, and do not request the issuance of the Final Order by **Friday, December 19, 2025**, the Appellant 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 Zoning By-law Amendment and issuance of the Final Order by the Tribunal.

THE TRIBUNAL ORDERS THAT it may be spoken to, including, 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.

THE TRIBUNAL ORDERS THAT the zoning by-law amendment appeal is otherwise dismissed.

THE TRIBUNAL FURTHER ORDERS THAT the Appellant's site plan appeal is held in abeyance and that the Appellant shall provide a written status report to the Tribunal on the status of that proceeding by no later than **Friday, December 19, 2025.**

"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

Authority: Ontario Land Tribunal Decision issued on [insert date] and Ontario Land Tribunal Order issued on [insert date] in Tribunal File No. OLT-24-00014.

CITY OF TORONTO

BY-LAW XXXX-2025(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 2634, 2636, 2640, 2642 and 2654 Eglinton Avenue West, 1856 and 1856A Keele Street.

Whereas the Ontario Land Tribunal, in its Decision issued on [insert date] and its Order issued on [insert date], in file OLT-24-00014, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c.P13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 2634, 2636, 2640, 2642 and 2654 Eglinton Avenue West and 1856 and 1856A Keele Street.

The Ontario Land Tribunal, by Order, Amends Zoning By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.11 respecting the lands subject to this By-law from a zone label of CR SS2 (x2624) to a zone label of CR SS2 (xxxxxx) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 for the lands subject to this By-law, from a height and storey label of HT 24, ST 8, to a height and storey label of HT 115.6, ST 36, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number (~) so that it reads:

(~) Exception CR SS2 (xxxxxx)

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 lands municipally known as 2634, 2636, 2640, 2642, and 2654 Eglinton Avenue West, and 1856A Keele Street 1856 Keele Street, 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) Despite Regulation 40.5.40.10(1) and 40.5.40.10(2), the height of any **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 128.87 metres and the highest point of the **building** or **structure**.
- (C) Despite Regulations 40.10.40.10(2) and 900.11.10(2642)(A), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (D) For the purpose of this exception, a mezzanine does not constitute a **storey**;
- (E) Despite Regulations 40.5.40.10(3) to (8) and (B) 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 may project above the height limits to a maximum of 7.5 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, may project above the height limits to a maximum of 7.5 metres;
 - (iii) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 3.0 metres; and
 - (iv) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 3.5 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 24,000 square metres, of which

- (i) the permitted maximum **gross floor area** for residential uses is 23,600 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres;
- (G) 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 2 or more bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms;
- (H) In accordance with Regulation 40.10.40.50(1), **amenity space** shall be provided 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 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25% of the outdoor component may be a **green roof**;
- (I) Despite Regulation 40.10.40.70(2) and 900.11.10(2642)(B) and (C), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (J) Despite Clause 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
 - (i) decks, porches, balconies, canopies and awnings, to a maximum extent of 3.0 metres;
 - (ii) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 0.35 metres; and
 - (iii) eaves, air conditioners, satellite dishes, antennae, vents, and pipes to a maximum extent of 1.8 metres;
 - (iv) guardrails, railings, parapets, terraces, privacy, wind and divider screens, and terrace platforms to a maximum extent of 2.5 metres;
- (K) Despite Regulation 40.10.90.10, a **loading space** may be located in the

rear yard that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;

- (L) Despite Regulation 220.5.10.1(2), loading spaces are to be provided in accordance with the following:
 - (i) 1 Type 'C' **loading space**; and
 - (ii) 1 Type 'G' **loading space**;
- (M) 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 of 2 plus 0.01 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 0 **parking spaces** for non-residential uses;
- (N) In addition to the places a "long-term" **bicycle parking space** may be located in regulations 230.5.1.10(A)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may be located on any level below grade, as well as within an above-ground mezzanine level;
- (O) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (P) In accordance with 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.2 "short-term **bicycle parking spaces** for each **dwelling unit**;
and
- (Q) A minimum of 10 publicly accessible, short-term **bicycle parking spaces**, will be provided at-grade on the site or within the public boulevard in addition to bicycle parking required under (P) above.

Prevailing By-laws and Prevailing Sections: None Apply

6. 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.

Ontario land Tribunal Decision issued on [insert date] and Ontario Land Tribunal Order issued on [insert date] in Tribunal File No. OLT-24-000143.

Diagram 1

City of Toronto By-law No. ____ - 2025(OLT)

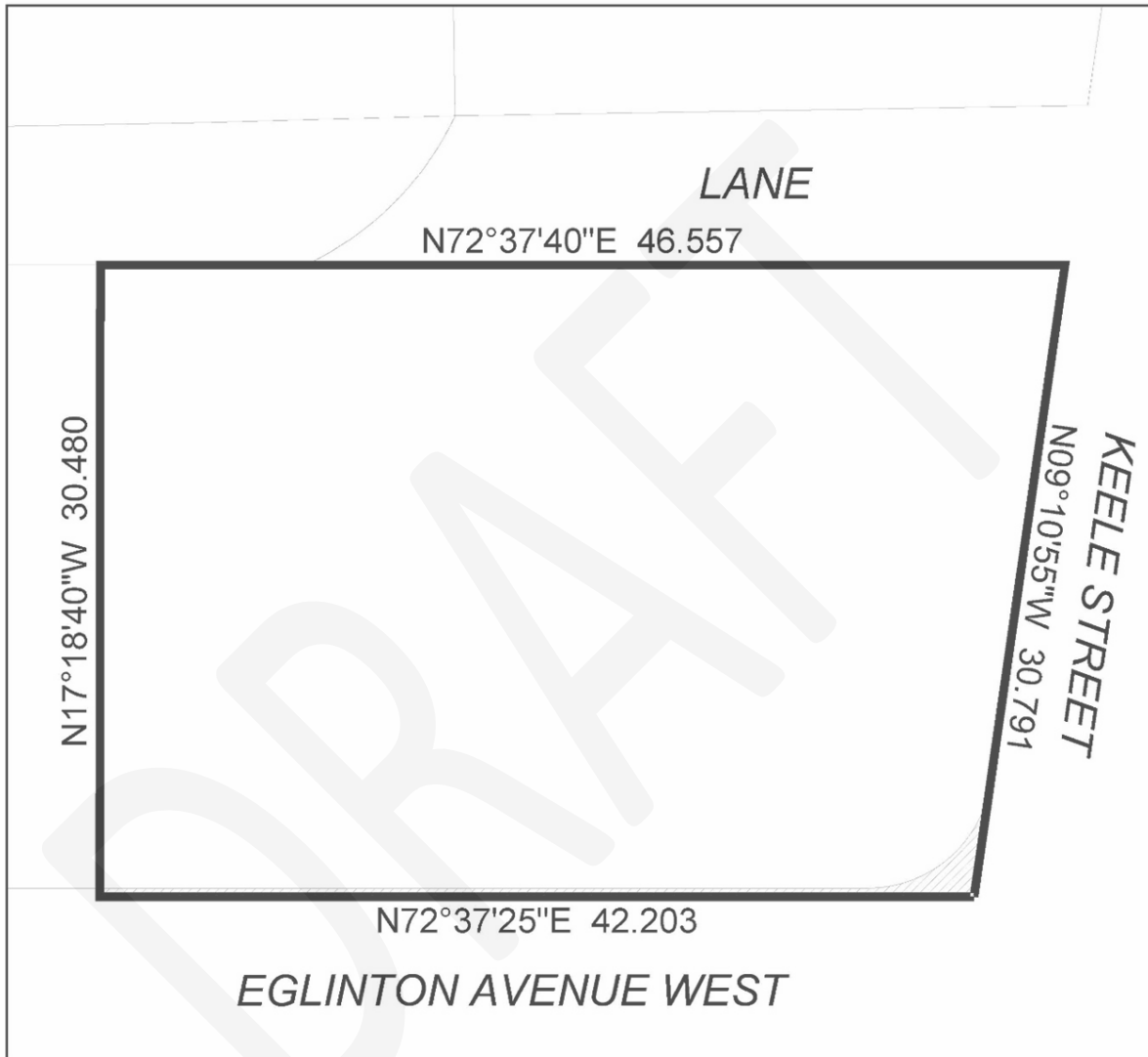


Diagram 1

2634, 2636, 2640, 2642, and 2654 Eglinton Avenue West &
1856 and 1856A Keele Street

OLT File #24-000143

 Road Widening



Not to Scale

Diagram 2

City of Toronto By-law No. ____ - 2025(OLT)

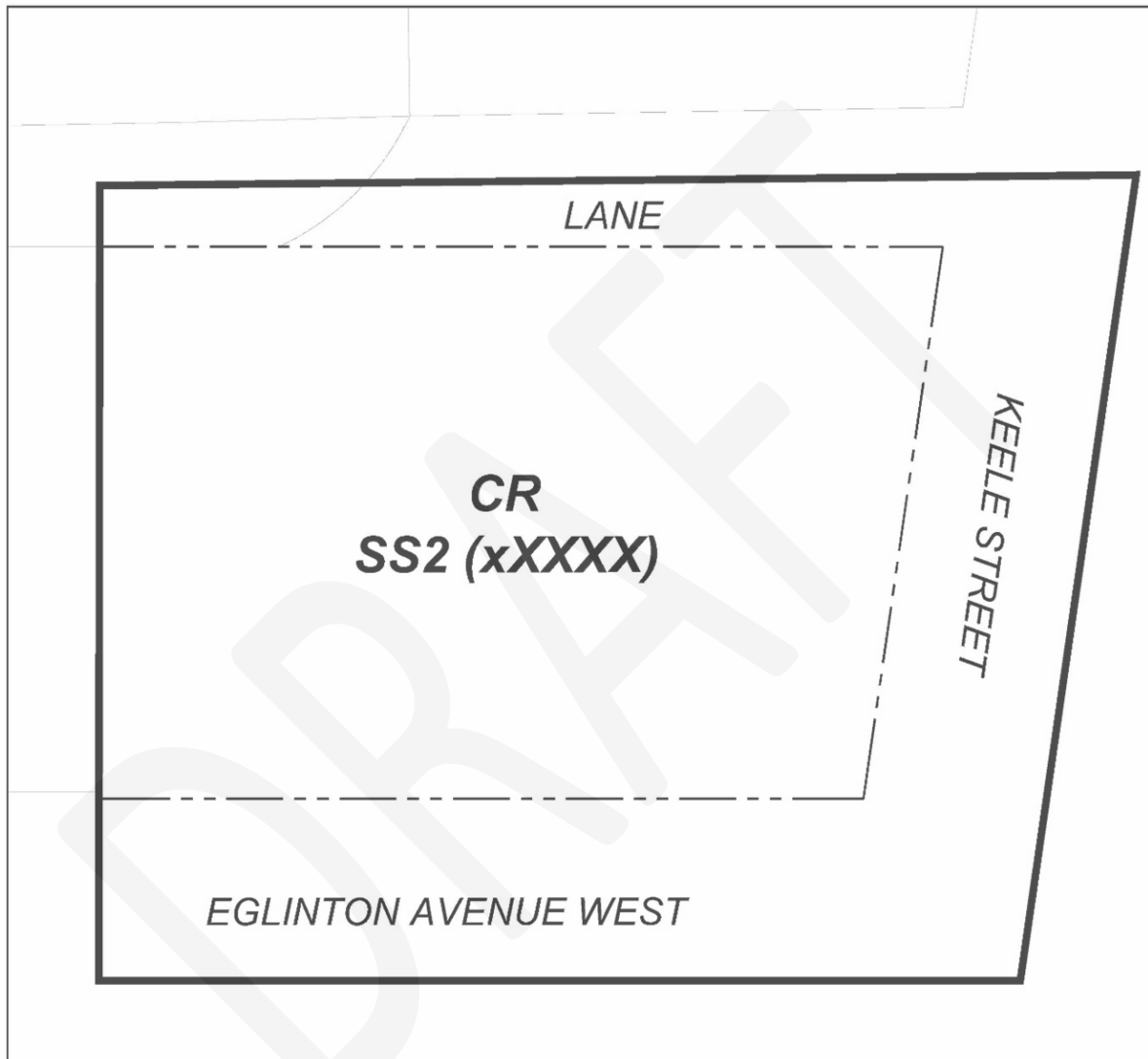


Diagram 3

City of Toronto By-law No. ____ - 2025(OLT)

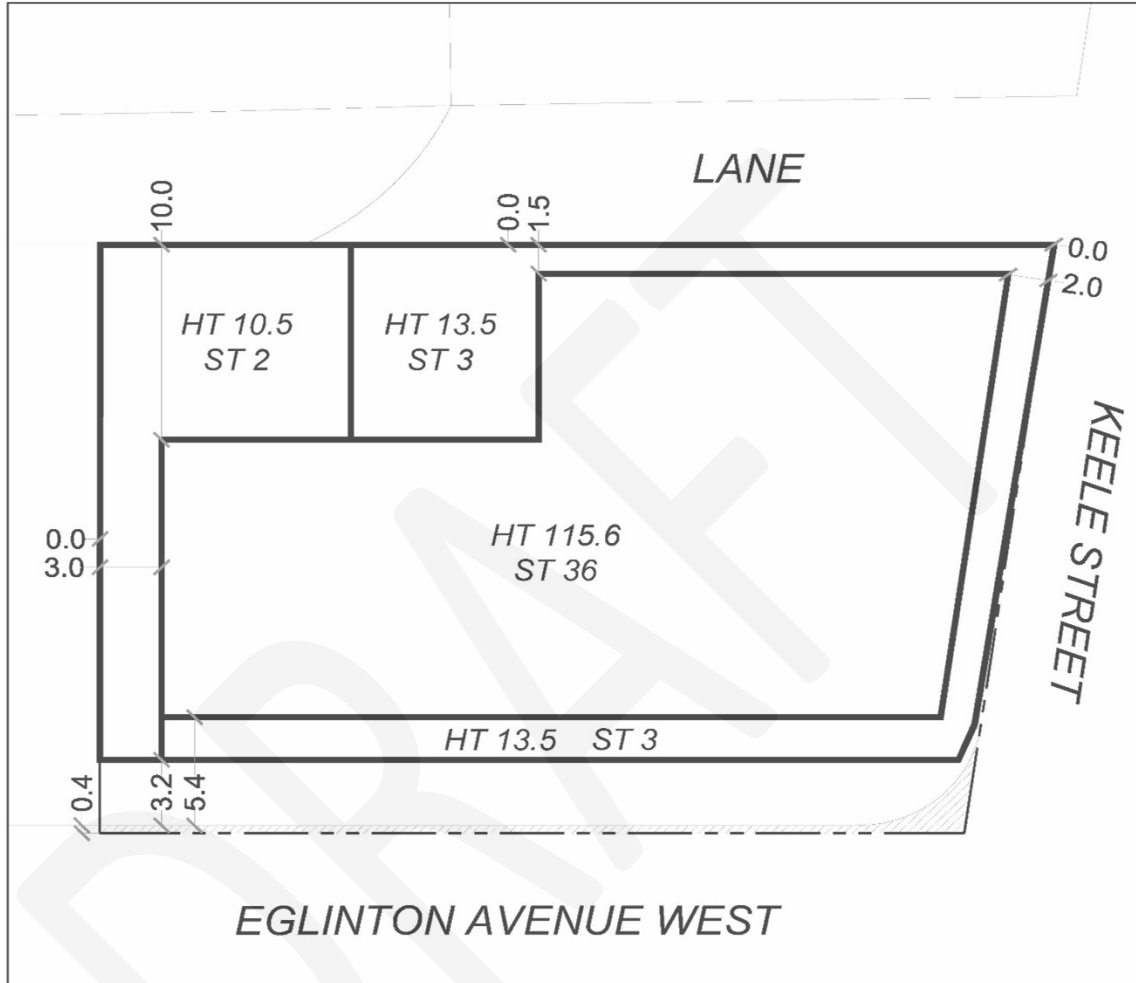


Diagram 3

2634, 2636, 2640, 2642, and 2654 Eglinton Avenue West &
1856 and 1856A Keele Street

OLT File #24-000143

 Road Widening



Not to Scale