

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 28, 2024

**CASE NO(S):**

OLT-24-000200

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

Applicant and Appellant: Chilocco Building Corporation/Mattamy (Monarch) Partnership  
Subject: Request to amend the Official Plan – Failure of Approval Authority to make decision  
Description: To permit a low-rise residential neighbourhood with condominium elements  
Reference Number: 20 230362 ESC 20 OZ & 20 230363 ESC 20 SB  
Property Address: 180-260 Brimley Road  
Municipality/UT: Toronto  
OLT Case No.: OLT-24-000200  
OLT Lead Case No.: OLT-24-000200  
OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

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

Applicant and Appellant: Chilocco Building Corporation/Mattamy (Monarch) Partnership  
Subject: Application to amend the Zoning By-law – Failure of Approval Authority to make decision  
Description: To permit a low-rise residential neighbourhood with condominium elements  
Reference Number: 20 230362 ESC 20 OZ & 20 230363 ESC 20 SB  
Property Address: 180-260 Brimley Road  
Municipality/UT: Toronto  
OLT Case No.: OLT-24-000201  
OLT Lead Case No.: OLT-24-000200  
OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Chilocco Building Corporation/Mattamy (Monarch) Partnership
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make decision
Description:	To permit a low-rise residential neighbourhood with condominium elements
Reference Number:	20 230362 ESC 20 OZ & 20 230363 ESC 20 SB
Property Address:	180-260 Brimley Road
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000202
OLT Lead Case No.:	OLT-24-000200
OLT Case Name:	Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

**Heard:** June 21, 2024 by Video Hearing

#### **APPEARANCES:**

##### **Parties**

##### **Counsel**

Chilocco Building Corporation and Mattamy (Monarch) Partnership (“Applicant”)	Sidonia Tomasella
City of Toronto (“City”)	Ray Kallio
Brimley Properties Ltd (“Brimley”)	Calvin Lantz

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY MICHAEL MENEZES AND P. TOMILIN ON JUNE 21, 2024 AND ORDER OF THE TRIBUNAL**

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#### **INTRODUCTION**

[1] This was the second Case Management Conference (“CMC”) for lead Case number OLT-24-000200 regarding the redevelopment of the property known as 180-260 Brimley Road, Toronto (“subject property”). The subject property is located on the west side of Brimley Road, south of the CN Rail Line, east of Jeanette Street, and north of Jeanette

Park. It is currently occupied by a warehouse and distribution centre and has an approximate size of 15.6 hectares.

[2] The Applicant seeks an Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision (together “Applications”) to permit the redevelopment of the subject property into a low-rise residential neighbourhood and a condominium development (of 1337 dwelling units), including a consolidation of parkland and a new internal private road network.

[3] The Applications and additional materials were submitted and were deemed complete as of July 2021. Discussions were had with City staff, and a revised proposal was resubmitted by the Applicant in November 2023.

[4]

[5] The Appeals brought to the Tribunal are a result of the City’s failure to decide within the legislative timeframe and pursuant to subsections 22(7), 34(11), and 51(34) of the *Planning Act*.

## **STATUS REQUEST**

[6] At the first CMC, the Tribunal received a written request for Participant status from Ken Nakahara, a neighbor whose residence is adjacent to the subject property and who has an interest in this development. Since Mr. Nakahara was not present, the Tribunal deferred its decision to the next CMC. As Mr. Nakahara was present and there were no objections from the Parties, the Tribunal granted Mr. Nakahara Participant Status in these proceedings.

## **NEXT STEPS**

[7] The Tribunal reviewed the Draft Procedural Order that was prepared for this CMC. The Tribunal directed the Parties to work cooperatively to finalize the Hearing Plan and

narrow down the Issues List and submit the revised draft Procedural Order (“PO”) to the Case Coordinator on or before **Friday, June 28, 2024**.

[8] Based on the request of the Parties, the Tribunal has scheduled a ten-day Merit Hearing starting on **Monday, January 13, 2025** at **10 a.m.** by videoconference and ending on **Friday, January 24, 2025**. No further notice is required.

[9] The Tribunal encouraged the Parties to meet over the next few months and attempt to resolve some of the issues in an effort to narrow down the Issues List so that it could be dealt with efficiently at the Hearing.

[10] The Parties were made aware of the availability of Tribunal-led mediation and that requests can be made through the Case Coordinator.

[11] Parties are asked to log in to the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

**GoTo Meeting:** <https://global.gotomeeting.com/join/442599157>

**Access code:** 442-599-157

[12] Parties 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>.

[13] 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 in to an audio-only telephone line: **+1 (647) 497-9391** or **(Toll-Free) 1-888-455-1389**. The **access code** is as shown in **paragraph 11** of this Decision.

[14] 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 event may be directed to the Tribunal's Case Coordinator having carriage of this Case.

[15] The Tribunal is now in receipt of the PO. The Tribunal has reviewed and approved the PO and is appended as Schedule 1 to this Decision.

## **ORDER**

[16] The Tribunal orders the above directives.

[17] The Panel is not seized.

[18] There will be no further notice.

*"Michael Menezes"*

MICHAEL MENEZES  
MEMBER

*"P. Tomilin"*

P. TOMILIN  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://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.

## SCHEDULE 1



### Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

**ISSUE DATE: June 28, 2024**

**CASE NO(S): OLT-24-000200; OLT-24-000201**

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OLT Lease Case No.: OLT-24-0000200  
OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

## PROCEDURAL ORDER

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

The video hearing will begin on **Monday January 13, 2025 at 10:00 a.m.** at

<https://global.gotomeeting.com/join/442599157>

2. 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. The procedural order deadlines are found in **Attachment 1**.
3. The parties and participants identified at the case management conference are set out in **Attachment 2**.
4. 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.
5. 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.
6. 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 – 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.
7. 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

8. 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, updated supporting documents and reports, to the other Parties on or before Friday September 6, 2024 (at least 80 days prior to the exchange of expert witness statements per paragraph 13 below). The applicant acknowledges that any revisions to the proposal after that date without the consent of the Parties may be grounds for the Tribunal to adjourn the hearing.

9. 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 and the order in which they will be called. This list must be delivered on or before Friday October 4, 2024 (at least 101 days prior to the start of the hearing) and in accordance with paragraph 22 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
10. Expert witnesses in the same field shall have a meeting on or before Friday October 25, 2024 (at least 80 days prior to the start of the hearing) and use best efforts 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 Issues with the OLT case co-ordinator on or before Monday November 4, 2024 (at least 70 days prior to the start of the hearing)
11. An expert witness 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. Copies of this must be provided as in paragraph 13 below. Instead of a 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.
12. 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 as in paragraph 13 below. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 13 below.
13. On or before Monday November 25, 2024 (at least 49 days prior to the start of the hearing), the parties shall provide copies of their witness and expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 22 below.
14. On or before Monday November 25, 2024 (at least 49 days prior to the start of the hearing), a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 22 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
15. On or before Monday December 9, 2024 (at least 35 days prior to the start of the hearing), parties may provide to all other parties and the OLT case co-ordinator, a written response to any written evidence and in accordance with paragraph 22 below.
16. On or before Monday December 9, 2024 (at least 35 days prior to the start of the hearing) the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
17. On or before Friday December 13, 2024 (at least 31 days prior to the start of the hearing), the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 22 below. If a model will be used, all parties must have a reasonable opportunity to



view it before the hearing.

18. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT case co-ordinator on or before Monday December 23, 2024 (at least 21 days prior to the start of the hearing).
19. 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.*
20. 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.
21. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before Friday December 13, 2024 (at least 31 days prior to the start of the hearing) 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 parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
22. All filings shall be submitted electronically and in hard copy. 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 Tribunal's Rule 7.
23. 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.**

BEFORE:

Name of Member:

Date:

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TRIBUNAL REGISTRAR

**Attachment 1**  
**Summary of Dates**

<b>DATE</b>	<b>EVENT</b>
<b>Friday September 6, 2024</b> (80 days before exchange of expert witness statements)	Last date to provide copies of revised proposal, including all revised plans and drawings (if any)
<b>Friday October 4, 2024</b> (101 days prior to hearing)	Exchange of witness lists (names, disciplines and order to be called)
<b>Tuesday October 15, 2024</b> (90 days prior to hearing)	Challenges to qualifications of witnesses, if any
<b>Friday October 25, 2024</b> (80 days prior to hearing)	Experts meeting prior to this date, if any
<b>Monday November 4, 2024</b> (70 days prior to hearing)	Exchange agreed statement of facts, if any
<b>Monday November 25, 2024</b> (49 days before hearing)	Exchange of witness statements and expert witness statements;  and  Exchange of participant statements
<b>Monday December 9, 2024</b> (35 days prior to hearing)	Exchange of written response to evidence
<b>Friday December 13, 2024</b> (31 days prior to hearing)	Exchange of visual evidence, if any; and  File hearing plan with the Tribunal
<b>Monday December 23, 2024</b> (21 days prior to hearing)	Finalize and file joint document book
<b>Monday January 13, 2025 – Friday January 24, 2025</b>	Hearing (10 days)

**Attachment 2**  
**List of Parties and Participants**

**Parties:**

**Chilocco Building Corporation/Mattamy (Monarch) Partnership**

**Aird & Berlis LLP**

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Toronto ON M5J 2T9

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**Brimley Properties Ltd. (Atlantic Packaging Products Ltd.)**

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**Calvin Lantz**

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**Participants:**

**Ken Nakahara**

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[ken.toronto@outlook.com](mailto:ken.toronto@outlook.com)

### **Attachment 3** **Issues List**

NOTE: The identification of an issue on the Issues List does not constitute an acknowledgement by the OLT or any Party that such issue, or the manner in which the issue is expressed, is either appropriate or relevant to the determination of the OLT at the hearing. The extent to which these issues are appropriate or relevant to the determination of the OLT at the hearing will be a matter of evidence and argument at the hearing. 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 OLT 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 OLT.

#### **A. City of Toronto**

##### **Planning Framework**

1. Does the proposal fit within the existing and planned context for the area? Does the proposal support the achievement of complete communities? Is the proposed land use appropriate and does it represent good planning?

##### **Planning Act**

2. Does the proposed development and Zoning By-law Amendment have regard for the matters of provincial interest set out in Section 2 of the Planning Act, including subsections 2(e), (f), (h), (i), (j), (n), (o), (p), (q), (r) and (s)?

##### **Provincial Policy Statement**

3. Is the proposal consistent with the Provincial Policy Statement, in particular policies 1.1.1 (Healthy, Livable and Safe Communities), 1.1.3.2 (Land Use Patterns in Settlement Areas), 1.1.3.3, 1.1.3.4, 1.1.3.6, 1.2.1 (Coordination), 1.4.3 (Housing), 1.5 (Public Spaces, Recreation, Parks, Trails and Open Space), 1.6.1, 1.6.6, 1.6.7, 1.6.8, 1.8.1, 2.2 (Water) and 4.6?

##### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

4. Does the proposal conform with the Growth Plan, in particular policies 1.2.1 (Guiding Principles), 2.2.1.4 (Complete Communities), 2.2.6 (Housing), 3.2.1 (Integrated Planning), 3.2.2 (Transportation – General), 3.2.3 (Moving People), 3.2.5 (Infrastructure Corridors), 3.2.6 (Water and Wastewater Systems), 3.2.7 (Stormwater Management), 4.2.5 (Public Open Space) and 4.2.10 (Climate Change)?

##### **City of Toronto Official Plan**

5. Does the proposal conform with the City of Toronto Official Plan, in particular policies related to:
  - i. Section 2.2 (Structuring Growth: Integrating Land Use & Transportation);
  - ii. Section 3.1.1 (The Public Realm);
  - iii. Section 3.1.3 (Built Form);
  - iv. Section 3.1.4 (Built Form – Building Types);

- v. Section 3.2.1 (Housing);
- vi. Section 3.2.2 (Community Services and Facilities);
- vii. Section 3.3 (Building New Neighbourhoods);
- viii. Section 3.4 (Natural Environment);
- ix. Section 4.1 (Development Criteria in Neighbourhoods);
- x. Section 4.3 (Development Criteria in Parks and Open Space Areas)
- xi. Sections 5.1.2 and 5.3.2 (Implementation) and
- xii. Site and Area Specific Policy 273?

### **Guidelines**

6. Does the proposal have the appropriate regard for relevant guidelines including:
  - a) Midland/St. Clair Urban Design Guidelines
  - b) Townhouse and Low-Rise Apartment Guidelines
  - c) Complete Streets Guidelines
  - d) Green Street Technical Guidelines
  - e) Green Infrastructure Standards
  - f) Design Options for Tree Planting in Hard Surfaces
  - g) Pet Friendly Design Guidelines and Best Practices for New Multi-unit Buildings (2019); and
  - h) Best Practices for Effective Lighting (2017).

### **Development Blocks and Streets**

7. Does the proposal provide for the adequate pattern of streets, development blocks, open spaces and infrastructure to achieve the policies in the Official Plan with respect to new neighbourhoods?
8. Is the proposed network of private streets and their location appropriate? Do the proposed streets comply with the Complete Streets Guidelines?

### **Public Realm**

9. Does the proposal appropriately address the public realm elements including Brimley Road, pedestrian/cycling connections, new public streets, streetscape, parks, POPS, and public art?

### **Built Form: Site Organization, Building Types, Height, Setbacks, Footprint, Open space and Design**

10. Does the submission material contain the appropriate information to review the site organization, built form, building types, heights, setbacks and design?
11. Is the proposed development appropriate in terms of site organization, building types, height, setbacks, footprint, open spaces, design, and shadow impact?

### **Housing**

12. Does the proposal appropriately address Official Plan policy 3.2.1 (Housing?)
13. Does the proposal appropriately address Official Plan policy 3.2.1.9 with respect to large sites and affordable housing?
14. Does the proposal appropriately address Official Plan policy 3.3.1 with respect to affordable housing?

**Community Services and Facilities**

15. Is there adequate Community Services and Facilities in the area to support the increased population as a result of the development?

**Parks and Open Spaces**

16. Does the proposal provide for an adequate on-site parkland dedication?
17. Does the proposed parkland location adequately serve the proposal and the area?
18. Does the proposal provide for adequate open space to serve the proposal?
19. Does the proposed parkland have an appropriate relationship with the parkland in the area, in particular Jeanette Park?
20. Does the proposed parkland's shape (depth and frontage) appropriately allow for access and visibility?
21. Does the proposal conform with Chapter 415, Article III of the City of Toronto Municipal Code?
22. Would the proposed park be free and clear of above and below grade encumbrances including stormwater management infrastructure?
23. Does the proposed built-form have adequate setbacks to the proposed park?

**Urban Forestry**

24. Has the proposed development demonstrated compliance with Toronto Green Standards Version 3 requirements?
25. Does the proposal include adequate tree planting and soil volume to comply with TGS v3?
26. Does the proposal include tree planting that meet the Complete Streets Guidelines and soil requirements?
27. Does the proposal include adequate planting between the railway and the proposal parking lot?
28. Does the proposal include large growing shade trees to adequately provide shade on the proposed parking lot (Toronto Green Standard Ecology Section)?

**Infrastructure and Servicing**

29. Does the proposal provide for an adequate stormwater management plan.
30. Has the proposed development demonstrated that there is sufficient water, wastewater and sanitary services available to service the proposed development, taking into account existing, planned and proposed development within the applicable water, wastewater or sanitary servicing distribution network?
31. Does the application provide enough detail to confirm the above, including an Overall Master Servicing Plan and Phasing Plan for the proposed development?

### **Public Interest and Good Planning**

32. Do the proposed Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision provide for good planning and good urban design and are they in the public interest?

#### **Order if approved**

In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the Tribunal hold issuance of its final Order until:

- a) the form and content of the Official Plan and Zoning By-law Amendments and conditions of Draft Plan of Subdivision approval are satisfactory to the Interim Chief Planner and Executive Director, City Planning and the City Solicitor;
- b) the Owner has at its sole cost and expense:
  1. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  2. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
  3. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Interim Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required;
  4. submitted a revised Transportation Impact Study or addendum, acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required;
  5. submitted a revised Arborist Report or addendum and Tree Protection Plan acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation;
  6. the Owner has made revisions to meet the Toronto Green Standard Version 3 requirements to the satisfaction of the Interim Chief Planner and Executive Director, City Planning;
  7. the Owner has submitted a revised Housing Issues Report to the satisfaction of the Interim Chief Planner and Executive Director, City Planning;
  8. the Owner has submitted a revised Draft Plan of Subdivision to the satisfaction of the Interim Chief Planner and the Executive Director, City Planning;

9. the Owner has submitted a revised Rail Safety and Risk Mitigation study and it has been peer reviewed to the satisfaction of the Interim Chief Planner and Executive Director, City Planning;

10. the Owner has submitted a revised Air Quality and Land Use Compatibility Assessment and it has been peer reviewed to the satisfaction of the Interim Chief Planner and Executive Director, City Planning; and

11. the Owner has submitted a revised Noise and Vibration Feasibility Study and it has been peer reviewed to the satisfaction of the Interim Chief Planner and Executive Director, City Planning.

## **B. Brimley Properties Ltd. (Atlantic Packaging Products Ltd.)**

### **Policy Context**

1. Do the Official Plan Amendment and Zoning By-law Amendment applications (the “**Applications**”) for the redevelopment of 180 and 260 Brimley Road (the “**Site**”) have regard for matters of provincial interest set out in section 2 of the *Planning Act*, specifically subsections 2(h), 2(k), 2(l), 2(n), 2(o), and 2(p)?
2. Are the Applications and the proposed development of the Site consistent with the Provincial Policy Statement (2020), specifically policies 1.1.1(a), 1.1.1(c), 1.1.3.4, 1.2.6.1, 1.2.6.2, 1.3.2.1, 1.3.2.2, 1.3.2.6, 1.6.8.2, 1.6.8.3, and 1.6.9.1?
3. In particular, has the proposed development of the Site incorporated the appropriate separation and/or mitigation necessary to maintain the long-term operational and economic viability of the planned function and use of the heavy industrial employment area to the east, in accordance with policy 1.3.2.2 of the Provincial Policy Statement (2020)?
4. Do the Applications conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), specifically policies 2.2.5.5, 2.2.5.6, 2.2.5.7, 2.2.5.8, and 3.2.4.2(a)?
5. Do the Applications and the proposed development of the Site conform with the City of Toronto Official Plan, specifically policies 2.2.4.2, 2.2.4.5, 2.2.4.6, 2.2.4.7, 2.2.4.8, 2.2.4.10, and 2.2.4.11?
6. Has the required Land Use Compatibility/Mitigation Study been undertaken in conformity with policies 2.2.4.5 to 2.2.4.7 of the Official Plan and in compliance with the City’s terms of reference for such Compatibility/Mitigation Studies?

### **Land Use Compatibility**

7. Will the development proposal adversely impact the operations and future economic viability of the Brimley Properties Ltd. facility, other major facilities in proximity, as well as the planned function of the employment area?
8. Have compatibility issues relating to noise, odour and air quality, been appropriately studied and modelled, the potential for adverse effects appropriately assessed, and appropriate mitigation measures proposed, recommended and secured, such that any potential adverse impacts and any potential adverse effects are avoided, and if avoidance is not possible, appropriately minimized and mitigated? Have such compatibility issues been assessed with respect to existing industries and the reasonable future growth of such industries?



9. Does the proposed development allow the Employment Area to the east of the Site to be developed and used for its intended purpose?
10. Has an appropriate assessment of the noise impacts of Brimley Properties Ltd.'s operations on the proposed development been completed and documented on the basis of the predictable worst-case for daytime, evening and nighttime hours, in accordance with the Ministry of Environment Conservation and Parks ("MECP") publication "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Ontario Ministry of the Environment, Publication NPC-300, October 2013 ("NPC-300")?
11. In accordance with as-of-right zoning permissions, is it appropriate to consider future changes to the operations, the intensity of use and an increase in outdoor operations at the Brimley Properties Ltd. facility in an assessment of noise impacts for the purpose of assessing land use compatibility? Has this been considered in the compatibility assessment undertaken in support of the Applications?
12. Does the Zoning By-law Amendment for the proposed development of the Site provide the necessary specificity to ensure appropriate mitigation measures are secured and will be implemented to ensure land use compatibility with the employment lands in proximity?

**General**

13. Do the Applications, as proposed, represent good planning and are they in the public interest?

**Attachment 4**  
**Order of Evidence**

1. Chilocco Building Corporation/Mattamy (Monarch) Partnership
2. City of Toronto
3. Brimley Properties Ltd. (Atlantic Packaging Products Ltd.)
4. Chilocco Building Corporation/Mattamy (Monarch) Partnership (in reply, if necessary)

## **Attachment 5**

### **Purpose of the Procedural Order and Meaning of Terms**

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.