

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 23, 2025

CASE NO.: OLT-24-000316

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

Applicant/Appellant:	2114778 Ontario Inc.
Subject:	Application to amend the Zoning By-law – Refusal of application
Description:	To permit a 35-storey residential building containing 365 dwelling units, including 33 replacement rental units.
Reference Number:	23 217877 STE 11 OZ
Property Address:	40 Walmer Road
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-000316
OLT Lead Case No.:	OLT-24-000316
OLT Case Name:	2114778 Ontario Inc. v. Toronto (City)

BEFORE:

STEVEN COOKE)	Tuesday, the 28th
VICE CHAIR)	
)	day of January, 2025

THIS MATTER pertains to the property located at 38 Walmer Road in the City of Toronto. A public hearing was held on January 28, 2025, before the Ontario Land Tribunal (the "Tribunal"). This case was heard in conjunction with the appeals related to

Tribunal case no. OLT-24-000532, as the property at 38 Walmer Road is immediately adjacent.

THE TRIBUNAL was informed by the Parties on January 6, 2025, that a full, uncontested settlement had been reached in these matters. Counsel for the City emphasized to the Tribunal the significance of the settlement, noting that it reflects the willingness of all Parties to collaborate and address many of the community's concerns.

THE TRIBUNAL, in determining this matter, accepts and adopts the uncontested land use planning evidence and expert opinions provided by Ms. Kate Cooper and Mr. David Riley. The Tribunal is convinced by the evidence that the proposal promotes the efficient development of infill land and accommodates a diverse range of appropriate mixed housing options. In particular, it supports the increase of three-bedroom dwelling units, which is desired by the City in areas served by public transit. The symbiotic relationship between the two properties has created opportunities to revitalize the existing Walmer Road Sanctuary building and develop community spaces, while allowing the proposed developments to proceed in a manner that supports one another.

AND THE TRIBUNAL concludes that the proposal aligns with the policy direction outlined in the Provincial Policy Statement (PPS) and upheld by the Official Plan (OP). Additionally, the Tribunal is confident that the proposal takes into account matters of provincial interest, adheres to the principles of effective land use planning, and serves the greater public interest. Most importantly, the proposal advances the goals and objectives of the provincial planning framework to enhance housing opportunities.

NOW THEREFORE

THE TRIBUNAL MAKES AN INTERIM ORDER THAT:

1. The appeal by 2114778 Ontario Inc. (the “**Owner**”) is allowed, in part, and the zoning by-law amendment (the “**ZBA**”) for the lands municipally known as 40 Walmer Road (the “**Lands**”) in the City of Toronto (the “**City**”) substantially in the form included as **Tab “C”** of the materials filed with the Ontario Land Tribunal

(the “**Tribunal**”) on January 24, 2025 is approved *in principle*;

2. The Final Order of the Tribunal shall be withheld until the Tribunal is in receipt of written confirmation from the Owner and the City that the following conditions have been satisfied:
 - a. the final form of the ZBA is to the satisfaction of the Owner, the Executive Director, Development Review and the City Solicitor, including any appropriate holding (H) provisions;
 - b. City Council has approved Rental Housing Demolition Application 23 221261 STE 11 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of the existing rental dwelling units on the Lands and the Owner has entered into, and registered on title to the Lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
 - i. replacement of the existing 33 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
 - ii. acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the Lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

- c. the Owner has submitted a revised Heritage Impact Assessment that demonstrates how the proposed development fits into its context and protects the heritage attributes of the adjacent designated property under Part IV of the *Ontario Heritage Act* at 38 Walmer Road and adjacent properties included on the Heritage Register at 35 and 44 Walmer Road, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design and the Chief Planner and Executive Director, City Planning;
 - d. the Owner has provided revised plans and revised sun shadow and pedestrian level wind studies with recommendations implemented as part of the ZBA and the City has advised that any building envelope changes to address the findings of the studies have been made, to the satisfaction of the Executive Director, Development Review;
 - e. the Owner has provided confirmation of water, sanitary and stormwater to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the ZBA;
 - f. the Owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the ZBA application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and
 - g. the Owner has addressed all outstanding issues raised by Transportation Services, as they relate to the ZBA application, to the satisfaction of the General Manager, Transportation Services.
3. The Tribunal may be spoken to in the event any matter or matters should arise in connection with the implementation of this Interim Order.

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ACTING 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.