

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 27, 2025

CASE NO.: OLT-24-000440
OLT-24-000441

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

Applicant/Appellant: 2470347 Ontario Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit additional height and density in an approved high-rise, mixed-use development
Reference Number: 22 130626 STE 09 OZ
Property Address: 1245 and 1285 Dupont Street and 213 Emerson Avenue
Municipality/UT: Toronto/Toronto
OLT Case No: OLT-24-000440
OLT Lead Case No: OLT-24-000440
OLT Case Name: 2470347 Ontario Inc. v. Toronto (City)

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

Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Reference Number: 22 130626 STE 09 OZ
Property Address: 1245 and 1285 Dupont Street and 213 Emerson Avenue
Municipality/UT: Toronto/Toronto
OLT Case No: OLT-24-000441
OLT Lead Case No: OLT-24-000440
OLT Case Name: 2470347 Ontario Inc. v. Toronto (City)

BEFORE:

G.A. CROSER)	Tuesday, the 11th
MEMBER)	
)	day of March, 2025

THIS MATTER, in respect of the lands known municipally as 1245 and 1285 Dupont Street and 213 Emerson Avenue (“Subject Lands”) in the City of Toronto (“City”), came before the Ontario Land Tribunal (“Tribunal”) on March 11, 2025 for the consideration of an uncontested written settlement reached by the Parties;

THE TRIBUNAL upon reviewing the land use planning evidence of Melanie Hare (“Hare”) and conditions proposed by the Parties has determined that the appeals filed pursuant to subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, are allowed in part, with the Final Order regarding the appeals to be withheld pending the Tribunal being advised that certain conditions have been satisfied.

THE TRIBUNAL accepts the expert opinion evidence of Hare that intensification of the Subject Lands is appropriate and supported by the applicable policy framework. That the height and massing of the settlement proposal is contextually appropriate and will fit with the existing and planned context. The settlement supports the creation of a complete community by providing a mix of land uses including residential, retail, office, community services and parks and open spaces, which is supported by various transportation options;

THE TRIBUNAL FINDS that the applications are consistent with the Provincial Planning Statement, 2024, conforms with the City’s Official Plan, conforms with the general intent of Site-Specific Official Plan Amendment 415, and has appropriate regard for the City’s Tall Building Design Guidelines, the Galleria Urban Design Guidelines, and the City’s Growing Up Guidelines. The unit mix proposed by the settlement provides 47% of the residential units as larger units, with 27% of all units being two-bedroom units and 10%

as three-bedroom units. The proposed height of the buildings maintains appropriate transitions to the existing neighbourhoods to the west, east and south. The height and density will not cast net-new shadows on nearby parks and open spaces, with building design setbacks that will reduce the visual impact of the building and reduce negative wind impacts.

THE TRIBUNAL ORDERS that the appeals are allowed on an interim basis, contingent upon receipt of those pre-requisite matters as identified below, and that the draft Official Plan Amendment and draft Zoning By-law Amendment to City of Toronto Zoning By-law 569-2013, as amended, set out in **Attachments “1” and “2”** to this Interim Order are hereby approved in principle.

THE TRIBUNAL FURTHER ORDERS that issuance of the Final Order is withheld contingent upon confirmation from the City of Toronto of the following pre-requisite matters:

- a. The Parties shall submit to the Tribunal, on consent, the final form of the Official Plan Amendment and Zoning By-law Amendment necessary to facilitate the Settlement Proposal.
- c. The Tribunal shall be in receipt of confirmation from the City of Toronto that the owner has resubmitted the Functional Servicing and Stormwater Management Report and Hydrogeological Report, which includes confirmation of water, sanitary, and stormwater capacity, 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 Zoning By-law Amendment;**
- d. The Tribunal shall be in receipt of confirmation from the City of Toronto that the owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the Functional Servicing and Stormwater Management Report and

Hydrogeological Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;

- e. The Tribunal shall be in receipt of confirmation from the City of Toronto that the owner has submitted a revised Pedestrian Level Wind Study to the satisfaction of the Executive Director, Development Review, with any required wind mitigation measures to be secured through the Site Plan approval process;
- f. The Tribunal shall be in receipt of confirmation from the City of Toronto that the owner has provided an updated Transportation Demand Management Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services; and
- g. The Tribunal shall be in receipt of confirmation from the City of Toronto that an Amending Section 37 Agreement satisfactory to the Executive Director, Development Review, and the City Solicitor, has been executed and registered on title to the satisfaction of the City Solicitor, securing, as a community benefit, an additional thirty-two (32) affordable rental housing units in the aggregate will be located on Development Block 3, which will have an updated definition of affordable rental housing as defined in the City's Official Plan, with an affordability period of forty (40) years.

"Euken Lui"

EUKEN LUI
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.

Attachment 1

Authority: Toronto and East York Community Council
Item TE ●, as adopted by City of Toronto Council on ●, 2024.

CITY OF TORONTO BY-LAW NO. ~-2024

To adopt an amendment to the Official Plan for the City of Toronto

To adopt Amendment XX to the Official Plan for the City of Toronto respecting the lands municipally known in the year 2023 as 1245 and 1285 Dupont Street and 213 Emerson Avenue.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990. c.P. 13., as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. ~~~ to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, 2024.

OLIVIA CHOW,
Mayor

JOHN D. ELVIDGE,
City Clerk

(Corporate Seal)

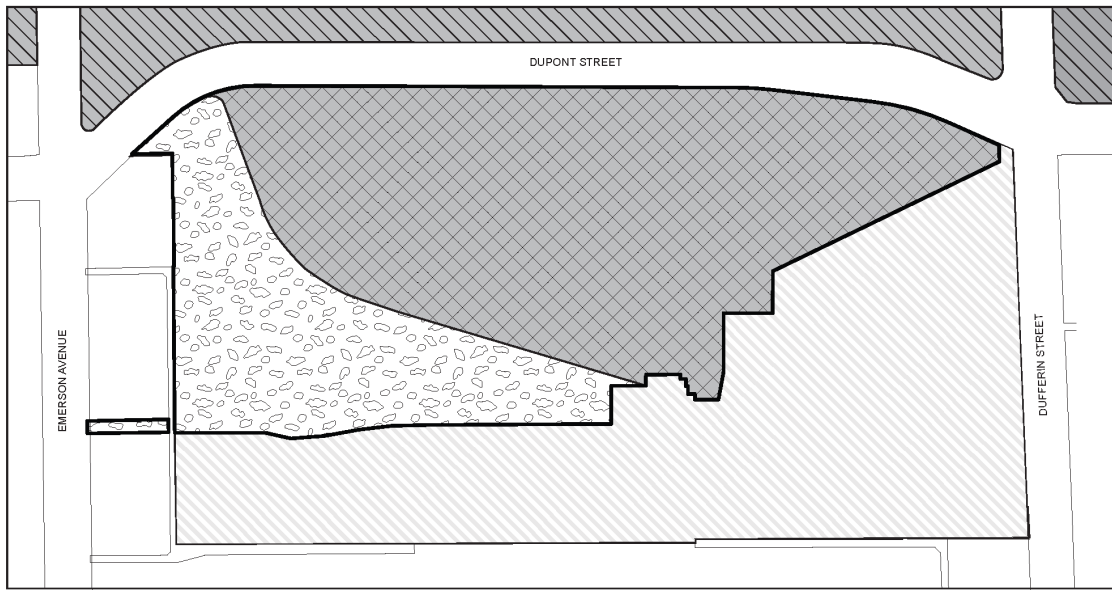
**AMENDMENT NO ~ TO THE OFFICIAL PLAN
FOR THE LANDS MUNICIPALLY KNOWN IN THE YEAR 2023 AS
1245 AND 1285 DUPONT STREET AND 213 EMERSON AVENUE**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policy No. 213 for the “Southwest Corner of Dupont Street and Dufferin Street”, as amended by Amendment No. 415 for lands municipally known as 1245 and 1285 Dupont Street, 1260 Dufferin Street and 213 Emerson Avenue, is further amended by replacing the “GROSS FLOOR AREA” subsection of Amendment 415, policies (g) through (i), for those portions of policies (g) through (i) that apply to the lands municipally known as 1245 and 1285 Dupont Street and 213 Emerson Avenue only, with the following:

GROSS FLOOR AREA

- “g. A maximum total gross floor area of 235,000 square metres is permitted on Blocks 2, 3, 4 and 5 as identified on Schedule B.
- h. A minimum non-residential gross floor area of 13,600 square metres is required across Blocks 2, 3, 4 and 5 (as identified on Schedule B), upon the completion of the last Block of the development.
- i. A maximum residential gross floor area of 220,000 square metres is permitted across Blocks 2, 3, 4 and 5 as identified on Schedule B.”



Toronto Schedule A
Official Plan Amendment #415

Revisions to Land Use Map 17 to Redesignate lands from Parks to Mixed Use and Mixed Use to Parks

**1245 Dupont Street, 1285 Dupont Street,
 & 213 Emerson Avenue**

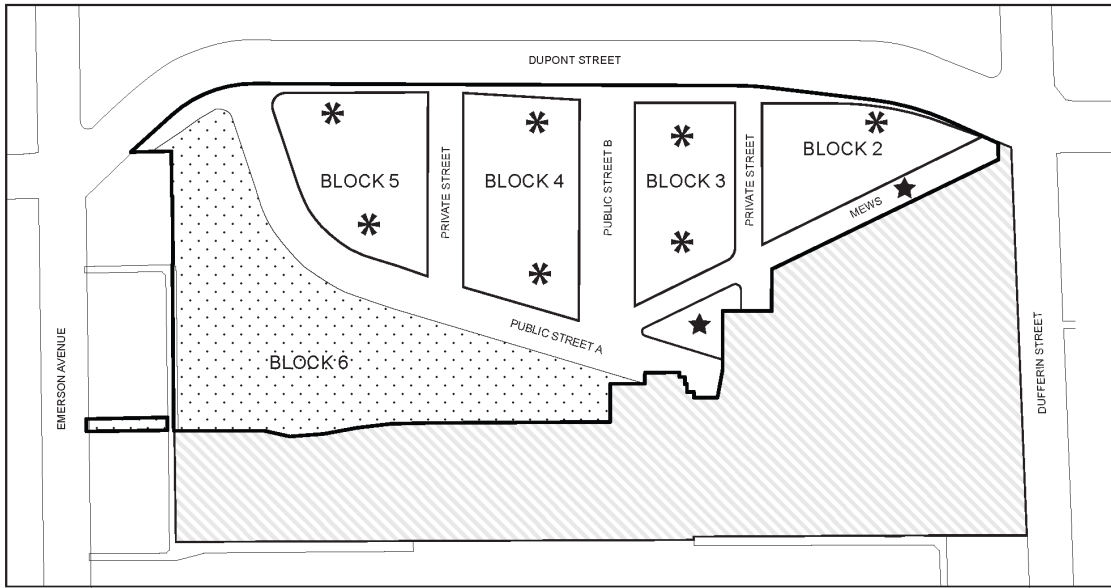
File # 16 231334 STE 18 OZ

Location of Application
 Neighbourhoods
 Mixed Use Areas

Parks & Open Space
 Parks
 Employment Areas

OPA 415 is unchanged for lands that are hatched

Not to Scale
 03/16/2024

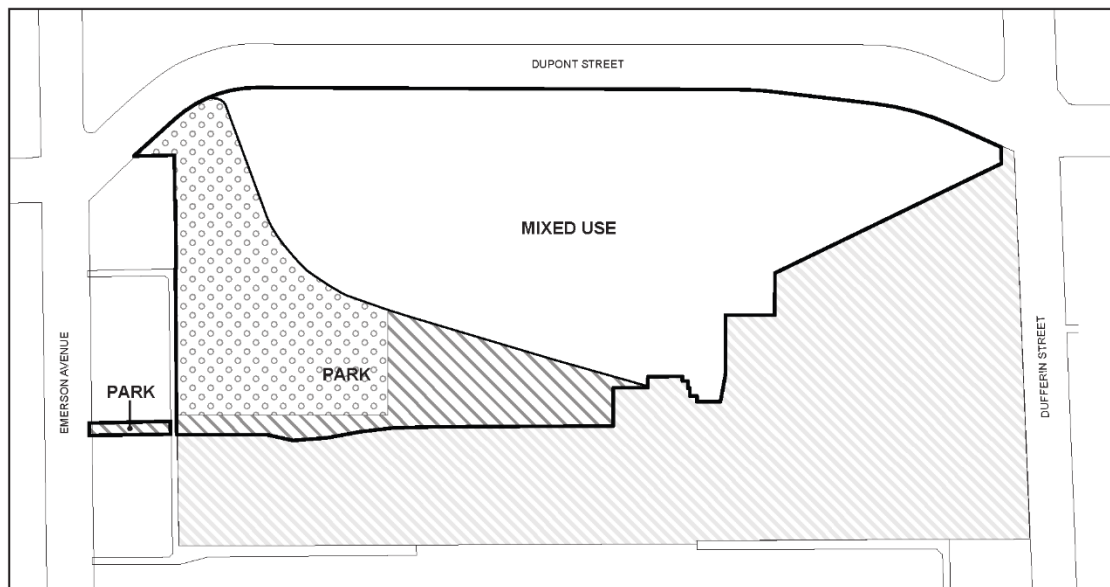


Toronto Schedule B
Tower Zone and Structure

1245 Dupont Street, 1285 Dupont Street,
& 213 Emerson Avenue

- * Tower Locations
- ★ POPS
- Park
- Blocks
- Location of Application
- ▨ OPA 415 is unchanged for lands that are hatched

↑
Not to Scale
03/16/2024



Toronto Schedule C
Land Use

1245 Dupont Street, 1285 Dupont Street,
& 213 Emerson Avenue

- Existing Use A
- Existing Use B
- OPA 415 is unchanged for lands that are hatched
- Location of Application

↑
Not to Scale
03/16/2024

Attachment 2

Authority: Toronto and East York Community Council Item No. ● as adopted by City of Toronto Council on ●, 2024

CITY OF TORONTO

Bill No. ~

BY-LAW No. ● - 2024

To amend Zoning By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2023 as 1245 and 1285 Dupont Street and 213 Emerson Avenue

WHEREAS Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c. 18 came into force, a by-law under Section 34 of the *Planning Act* may authorize increase in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act*, as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density or height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

The Council of the City of Toronto enacts:

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 same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2103, as amended, is further amended by modifying Article 900.11.10 Exception Number (x185) as described below:

MIXED USE DEVELOPMENT – BLOCKS 1, 2, 3, 4, and 5

Exception CR (x185)

- (A) Section (A) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (A) On 1245 and 1285 Dupont Street and 213 Emerson Avenue, if the prevailing requirements of Section 6 and Schedule A of By-law 1166-2019, as amended by Section 4 and Schedule A of **By-law X-2024**, are complied with, a **building or structure** may be constructed in compliance with regulations (B) to (DDD) of By-law 1166-2019, as amended by regulations (B) to (K) below;
- (B) Section (M) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (M) Despite regulations 40.10.20.40(1) and 40.10.40.40(1), the maximum total **gross floor area** of all **buildings** on Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019, excluding below ground **vehicle washing establishments**, will be 235,000 square metres, provided:
 - (i) the total maximum **gross floor area** occupied by residential uses is 220,000 square metres;
 - (ii) the total maximum **gross floor area** occupied by residential uses on each of Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 will comply with the following:
 - (a) a maximum **gross floor area** of 30,985 square metres occupied by residential uses on Block 2;
 - (b) a maximum **gross floor area** of 67,945 square metres occupied by residential uses on Block 3;
 - (c) a maximum **gross floor area** of 69,570 square metres occupied by residential uses on Block 4; and
 - (d) a maximum **gross floor area** of 46,100 square metres occupied by residential uses on Block 5;
 - (iii) minimum **gross floor area** occupied by non-residential uses on each of Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 will comply with the following:

- (a) a minimum **gross floor area** of 5,400 square metres occupied by non-residential uses on Block 2;
 - (b) a minimum **gross floor area** of 2,500 square metres occupied by non-residential uses on Block 3;
 - (c) a minimum **gross floor area** of 2,500 square metres occupied by non-residential uses on Block 4; and
 - (d) a minimum **gross floor area** of 3,450 square metres occupied by non-residential uses on Block 5;
- (C) Section (N) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (N) Despite section (M) above, increases up to 10% of the maximum **gross floor area** occupied by residential uses permitted on each Block in subsection (M)(ii) above are allowed, provided the maximum **gross floor area** occupied by residential uses in all **buildings** provided on Blocks 2, 3, 4, and 5, as shown on Diagram 3 to By-law 1166-2019, does not exceed 220,000 square metres;
- (D) Section (O) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (O) A total combined maximum of 3,100 **dwelling units** are permitted on Blocks 2, 3, 4, and 5 as shown on Diagram 3 to By-law 1166-2019;
- (E) Section (U) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (U) Despite section (T) above, a **building** or **structure** erected within an Angular Plane Zone on Diagram 4&5 to **By-law X-2024** for Blocks 2, 3, 4, and 5 as shown on Diagram 3 to By-law 1166-2019, will be consistent with the following:
 - (i) a **building** or **structure** erected within Angular Plane Zone 2 on Diagram 4&5 to **By-law X-2024**, may not penetrate an angle of 75 degrees projected over Angular Plane Zone 2, originating at the southern edge of Angular Plane Zone 2, starting at a height of 28.5 metres measured from the Canadian Geodetic Datum elevation of 120.95 metres, as indicated on Diagram 4&5 to **By-law X-2024**. See Diagram 9 to By-law 1166-2019 for how an **angular plane** angle is measured;
- (F) All references to "Diagrams 4 and 5 to By-law 1166-2019" in sections (S), (T), (W), (X), (Z), and (DD) and subsections thereof of Exception CR (x185) will be modified to delete Diagram 4 and also include "Diagram 4&5 to **By-law X-2024** for Blocks 2, 3, 4, and 5 as shown on Diagram 3 to By-law 1166-2019";

- (G) The introduction of section (EE) of Exception CR (x185) is deleted and replaced with the following:
 - (EE) The areas identified as "tower zones" on Diagram 4&5 to **By-law X-2024**, are subject to the following: ...
- (H) Subsection (II)(ii) of Exception CR (x185) is deleted and replaced with the following for Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 only:
 - (ii) For a **dwelling unit** in a **mixed use building**, excluding affordable housing **dwelling units**, resident/tenant **parking spaces** must be provided at a minimum rate of:
 - (a) 0.25 for each bachelor **dwelling unit**;
 - (b) 0.25 for each one bedroom **dwelling unit**;
 - (c) 0.55 for each two bedroom **dwelling unit**; and
 - (d) 0.75 for each three or more bedroom **dwelling unit**;
- (I) Diagram 4 to By-law 1166-2019 is replaced with Diagram 4&5 to **By-law X-2024**;
- (J) Diagram 5 to By-law 1166-2019 is replaced by Diagram 4&5 to **By-law X-2024** only with respect to Blocks 2, 3 and 4 as shown on Diagram 3 to By-law 1166-2019;
- (K) The reference to "[By-law 1166-2019]" in the Prevailing By-laws and Prevailing Sections of Exception CR (x185) is deleted and replaced with "[By-law 1166-2019, as amended by **By-law X-2024**]".

4. Section 37 Provisions:

- (A) Pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c. 18 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 in return for the provision by the owner, of the facilities, services and matters set out in Schedule A hereof and which are secured by amendment or modification of one or more agreements, pursuant to Section 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force, that are in a form and registered in priority on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, the lands as permitted by **By-law X-2024**, unless or until the owner has executed and registered an amended or modified agreement or agreements pursuant to Section 37 of the *Planning Act*, as

it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force, securing the provision of facilities, services and matters set out in all provisions of Schedule A of **By-law X-2024**. For clarity, this requirement will not prevent:

- (i) any of the uses existing on such lands as of May 1, 2018, for any use listed in regulations 40.10.20.10(1) and 40.10.20.20(1) that are permitted under the letter "C" of the CR zone on the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019;
- (ii) any addition to or alteration of an existing **building** as permitted by By-law 1166-2019; and
- (iii) the erection or use of any **building** or **structure** permitted by By-law 1166-2019 on Blocks 1 and 6 as shown on Diagram 3 to By-law 1166-2019.

ENACTED AND PASSED this _____ day of _____, 2024.

OLIVIA CHOW
Mayor
(Seal of the City)

JOHN D. ELVIDGE
City Clerk

SCHEDULE A

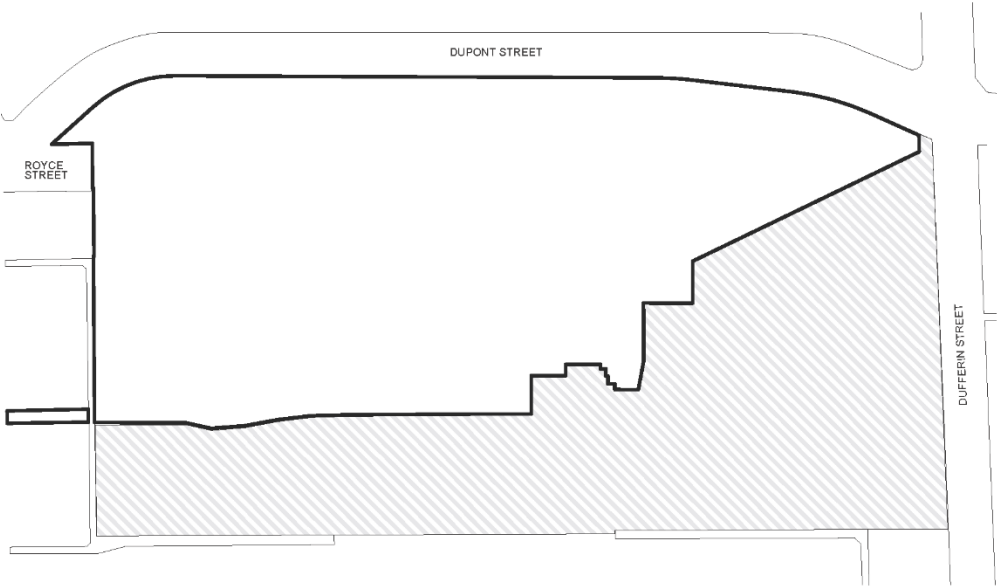
Section 37 Provisions

Upon execution and registration in priority of an amending or modified agreement or agreements with the owner, pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c. 18 came into force, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:



- (a) Prior to the issuance of the first above-grade building permit for any part of Blocks 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019, the owner shall ...

Despite the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.

Diagram 1
Lands Subject to Zoning By-Law



**1245 Dupont Street, 1285 Dupont Street,
& 213 Emerson Avenue**

- Legend**
-  Lands Remain Subject to By-law xx-2024
 -  Lands Remain Subject to By-law 1166-2019


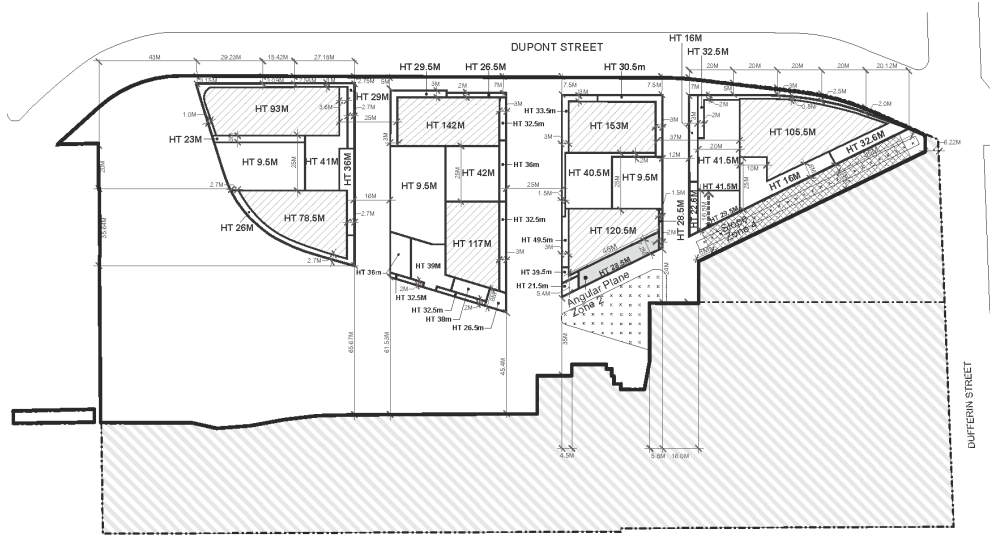

City of Toronto By-Law xx-2024
Not to Scale
02/22/2024

Diagram 4&5
East and West Development Parcel
Building Envelope



**1245 Dupont Street, 1285 Dupont Street,
 & 213 Emerson Avenue**

Legend

- | | | |
|------------|--------------------|--|
| Tower Zone | Angular Plane Zone | POPS |
| Slope Zone | Canopy Zone | Lands Remain Subject to By-law 1166-2019 |

City of Toronto By-Law --2024
 Not to Scale
 02/22/2024