

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 11, 2025

CASE NOS.:

OLT-24-000837

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2856973 Ontario Inc.
Subject: Proposed Official Plan Amendment No. 727
Description: OPA 727 – Townhouses and small-scale apartment buildings
Reference Number: 24 122626 STE 10 OZ
Property Address: Specific lands within the boundaries of the Major Street Zoning By-law
Municipality/UT: City of Toronto
OLT Case No.: OLT-24-000837
OLT Lead Case No.: OLT-24-000837
OLT Case Name: 2856973 Ontario Inc. v. Toronto

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2856973 Ontario Inc.
Subject: By-law 608-2024
Description: ZBA 608-2024 – Townhouses and small-scale apartment buildings
Reference Number: 20 175353 STE 10 TM
Property Address: Specific lands within the boundaries of the Major Street Zoning By-law
Municipality/UT: City of Toronto
OLT Case No.: OLT-24-000838
OLT Lead Case No.: OLT-24-000837

BEFORE:

S. BRAUN	)	Thursday, the 11 th day of
VICE CHAIR	)	
	)	September, 2025

THESE MATTERS involving appeals filed by 2856973 Ontario Inc. (“Appellant”) under subsections 17(24) and 34(19) of the *Planning Act*, R.S.O. 1990, c. p. 13, as amended (“Act”), against the decision of the City of Toronto (“City”) to adopt Official Plan Amendment 727 (“OPA 727”) and Zoning By-law Amendment 608-2024 (“ZBA 608”);

AND THESE MATTERS having previously come before panels of the Tribunal differently constituted for various Case Management Conferences and scoping motions on November 13, 2024; February 27, 2025 and June 27, 2025, wherein a number of issues were addressed, including but not limited to:

- the granting of Party Status to: Amnon Fisch and Gabor Koltai, and KMK Trading Company Limited, subject to Rule 8.3 of the Tribunal’s *Rules of Practice and Procedure* requiring these Parties to shelter under issues raised by the Appellant;
- scoping the appeals to specific policies/regulations and confirming that the remainder of OPA 727 and ZBA 608 came into force and effect City-wide by operation of law on July 30, 2024 and June 27, 2024, respectively; and
- further scoping the appeals geographically, and confirming OPA 727 and/or ZBA 608 came into force and effect for specific properties, as detailed in Orders of the Tribunal dated March 12, 2025 and July 21, 2025;

AND THE TRIBUNAL having been advised that the Appellant and the City have reached an agreement to resolve all remaining issues under appeal related to both OPA 727 and ZBA 608, leaving no issues under which any other Party may shelter;

AND THE TRIBUNAL having been further advised that no part of ZBA 608 is at issue in the appeal;

AND THE TRIBUNAL having been asked to hear a motion in writing to consider a settlement proposal;

AND THE TRIBUNAL having reviewed materials filed in support of the motion, including the affirmed affidavit evidence of Brooke Marshall, Registered Professional Planner (whom the Tribunal herein recognizes as qualified to assist the Tribunal in its deliberations on these matters);

AND THE TRIBUNAL having accepted the uncontradicted opinion evidence of Ms. Marshall on the proposed modifications to OPA 727, the reasons for such modifications and the effects of same;

AND THE TRIBUNAL having been satisfied by the evidence that the proposed modifications to OPA 727 represent good planning in the public interest, have appropriate regard to matters of provincial interest in s. 2 of the Act, are consistent with the Provincial Planning Statement 2024, and align with the overall vision and objectives of the City's Official Plan, as they:

- support the introduction of townhouses and small-scale apartments in *Neighbourhoods* along major streets in Toronto, and provide permission for building types that have been common in the Former City of Toronto, to enable intensification to be more equitably spread across the City;
- provide a range and mix of housing options and densities to meet the needs of current and future residents and to support the achievement of complete communities;
- promote efficient use of land, resources, infrastructure and public service facilities,
- appropriately balance objectives of expanding housing options while supporting the City's neighbourhoods, providing a degree of height and density transition from growth areas to the interior of the *Neighbourhoods*, while maintaining a

generally low-rise scale, and aligning the additional density with transportation corridors and transit routes;

NOW THEREFORE THE TRIBUNAL ORDERS THAT:

1. The appeal by 2856973 Ontario Inc. of the adoption of Official Plan Amendment 727 (“OPA 727”) to the City of Toronto Official Plan is allowed in part; and
2. OPA 727 is modified, as shown in **Table 1**, and approved, pursuant to subsection 17(50) of the *Planning Act*, and the modified policies shall come into force and effect on a City-wide basis as of the date of this Order [the Tribunal having previously confirmed in its Order dated January 13, 2025 that the remaining sections, non-policy text, and policies of OPA 727 came into force by operation of subsection 17(27) of the *Planning Act* on July 30, 2024];

Table 1

Modifications to OPA 727		
Policy	The policy is modified to	So that the policy reads:
12 (c)	• insert the word “are” between “that” and “generally;” and • delete the words “meet those permitted by zoning for adjacent residential properties” and replace them with the words “contextually appropriate.”	have setbacks that are generally contextually appropriate, unless the established development pattern along the major street is predominantly reversed lot frontages, in which case the front yard setback along the major street will be determined in accordance with Policy 13;
12 (f)	• insert the word “reasonably” between the word “wherever” and the word “possible.”	locate, screen and wherever reasonably possible enclose service areas, garbage storage, and parking when required to minimize impact on adjacent properties;
12 (i)	• delete it	N/A
13 (b)	• delete it	N/A
13 (c)	• delete the words “, such as building entrances;” and	ensure an active frontage onto the local street <u>and onto the major street</u> ;

Modifications to OPA 727		
Policy	The policy is modified to	So that the policy reads:
	insert the words “and onto the major street”	

3. Pursuant to subsection 34(31) of the *Planning Act*, no part of Zoning By-law Amendment 608-2024 is in issue in the appeal, and it is deemed to have come into force on June 27, 2024, in its entirety;
4. The appeal of Zoning By-law Amendment 608-2024 by 2856973 Ontario Inc. is dismissed.

THE TRIBUNAL FURTHER ORDERS

5. The municipal clerk is authorized to format, as may be necessary, and to assign a number to the Official Plan Amendment and the Zoning By-law Amendment for record-keeping purposes; and
6. The City Solicitor to make such stylistic and technical changes to the Official Plan Amendment and Zoning By-law Amendment as may be required to implement the Tribunal’s decision and order.

Ontario Land Tribunal

Website: 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