

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 24, 2025

CASE NO(S).: OLT-24-000906

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

Applicant and Appellant:	2600546 Ontario Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit a 21-storey mixed use building including 263 dwelling units and 213 square metres of ground floor retail.
Reference Number:	23 213844 STE 04 OZ
Property Address:	1304-1318 King Street West and 143-145 Cowan Avenue
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000906
OLT Lead Case No.:	OLT-24-000906
OLT Case Name:	2600546 Ontario Inc. 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:	2600546 Ontario Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 21-storey mixed use building including 263 dwelling units and 213 square metres of ground floor retail.
Reference Number:	23 213844 STE 04 OZ
Property Address:	1304-1318 King Street West and 143-145 Cowan Avenue
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000907
OLT Lead Case No.:	OLT-24-000906
OLT Case Name:	2600546 Ontario Inc. v. Toronto (City)

Heard:

June 9, 2025, in Writing

APPEARANCES:

Parties

2600546 Ontario Inc. (“Appellant”)

City of Toronto

Counsel

Eileen P.K. Costello
Anna Lu, Co-Counsel

Jamie Dexter
Jyoti Zuidema

DECISION DELIVERED BY SHARON L. DIONNE AND INTERIM ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION AND BACKGROUND

[1] The matters before the Tribunal are appeals of Applications for an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”), pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”) due to the Council of the City of Toronto’s (“City”) refusal of the Applications. The affected lands are comprised of two parcels of land municipally known as 1304-1318 King Street West and 143-145 Cowan Avenue, in the City of Toronto (“Subject Site”).

[2] The Subject Site is located at the northeast corner of King Street West and Cowan Avenue in the Parkdale Neighbourhood in Toronto. At present, there is an existing two-storey mixed-use building at 1304-318 King Street West with several non-residential units on the ground level and eight (8) rental residential dwelling units above. Additionally, there is a vacant, partially constructed three-storey building at 145 Cowan Avenue.

[3] The Applications seek to re-develop the Subject Site for a 21-storey mixed-use tower, inclusive of a 6-storey base building, resulting in an overall building height of 72.31 metres (“m”) excluding the mechanical penthouse (the “Original Proposal”). A Rental Housing Demolition and Conversion application was submitted concurrently with the Applications.

[4] By way of background, City Council refused the Applications on May 22, 2024, however also directed the City to make use of mediation, or other dispute resolution techniques to attempt to resolve the issues on the Applications.

[5] On April 23 and 24, 2025, City Council approved a “Settlement Proposal”, in principle, contingent upon the fulfilment of certain conditions.

[6] The “Settlement Proposal” includes an 18-storey mixed-use building, consisting of a one to eight-storey base building with a taller element above, with an overall height of 57.0 m, exclusive of the mechanical penthouse. The building is proposed to have a total Gross Floor Area (“GFA”) of 14,850 square metres (“m².”), of which approximately 14,517 m² will be for residential uses and 333 m² for non-residential uses. The overall site density proposed is 9.31 Floor Space Index (“FSI”), based on the site area of 1,594.4 m². There are eight replacement rental residential dwelling units proposed, in the form of one studio unit, three one-bedroom units, and four two-bedroom units.

[7] The Parties are seeking the Tribunal’s approval, in principle, of the Settlement Proposal and have filed with the Tribunal a draft OPA and a draft ZBA to facilitate the re-development of the Subject Site. The City requested that the Tribunal withhold its Final Order until the City Solicitor has advised that certain conditions, as detailed in the Interim Order, have been met.

[8] The Participant Statements, including Supplemental Statements, of the Participants listed in Attachment 2 to the Procedural Order governing the proceedings

on the appeals have been reviewed and considered by the Tribunal in the context of the Settlement Proposal before it. In summary, there are land use planning concerns related to the proposed height, massing and density of development and its fit within the surrounding context; shadow and wind impacts; traffic, parking and safety concerns; housing unit mix and provision of affordable housing; loss of commercial-retail space; and whether or not what is being proposed constitutes good planning and is in the public's interest.

EVIDENCE AND FINDINGS

[9] The Tribunal qualified Courtney Heron-Monk, a Registered Professional Planner ("RPP") and Full Member of the Canadian Institute of Planners ("CIP"), upon consideration of Ms. Heron-Monk's (the "Planner") CV and signed Acknowledgement of Expert's Duty, to provide opinion evidence in the area of land use planning in respect of the matters before it.

[10] The Tribunal accepts and relies upon the uncontradicted opinion evidence of the Planner as provided in the Planner's Affidavit, sworn on June 6, 2025, and marked as **Exhibit 1**, and which includes the following:

- a. The opinion evidence of the Planner, which is comprehensive in its comparison of the Settlement Proposal with the Original Proposal, as well as the merits of the Settlement Proposal in the context of the statutory requirements under the Act and the applicable provincial and municipal plans, policies, and guidelines;
- b. The architectural concept plans prepared by BDP Quadrangle, dated April 2, 2025, and as attached as Exhibit "G" (attached to this Decision as **Attachment 1**);

- c. A draft OPA is attached as Exhibit “J” (attached to this Decision as **Attachment 2**);
- d. A draft ZBA to the City-wide Zoning By-law No. 569-2013 is attached as Exhibit “K” (attached to this Decision as **Attachment 3**);
- e. The Appellant’s ‘without prejudice’ settlement offer letter dated April 2, 2025, as attached as Exhibit “F”; and,
- f. A City Council resolution accepting the without prejudice offer to settle, adopted at Council’s meeting of April 23 and 24, 2025, and attached as Exhibit “I”.

[11] The Tribunal is satisfied that the Settlement Proposal before it has been revised to better align with provincial and municipal planning policy based on the cooperative efforts of the Parties.

[12] The Tribunal considered the Planner’s detailed response to the comments provided by the Participants. The Tribunal recognizes that the Settlement Proposal, if approved, will result in some impacts and change within the Parkdale neighbourhood. However, based on the evidence before it, the Tribunal is satisfied that the land use planning issues will be adequately addressed by way of the revisions to the Original Proposal, which have culminated in the Settlement Proposal, and the fulfilment of the City’s requested conditions.

[13] The Tribunal finds that the Settlement Proposal, to be implemented by way of the draft OPA and draft ZBA, subject to the fulfilment of the conditions set out in the Order, will optimize the use of the Subject Site in supporting growth and intensification within the Parkdale neighbourhood which leverages existing and planned transit infrastructure in a manner that incorporates a mix of land uses in a built form that will meet urban design guidelines so as to fit and be compatible with the existing and planned planning

and built form context of this neighbourhood.

[14] With respect to the statutory requirements set out in the Act, the Tribunal finds that the Settlement Proposal and the draft OPA and draft ZBA, subject to the fulfilment of certain conditions requested by the City, and as recommended by the Planner, are consistent with the Provincial Planning Statement, 2024 (“PPS 2024”), conform with the City of Toronto Official Plan, and are in keeping with, and/or in the case of the ZBA conforms with, the City of Toronto Official Plan, as amended, subject to the fulfilment of the conditions. The Tribunal also finds that the Settlement Proposal has regard to the City’s relevant urban design guidelines and notes that there may be refinements as the architectural plans are finalized and that minor adjustments to the site-specific provisions in the draft ZBA may be necessary as a result.

[15] Further, the Tribunal finds that the Settlement Proposal, draft OPA, and draft ZBA have appropriate regard for matters of Provincial interest as set out in s.2 of the Act and the Tribunal is satisfied that they are in the public interest and represent good planning.

[16] The Tribunal finds that the proposed redevelopment of the lands known municipally in the City of Toronto as 1304 King Street West and 143 – 145 Cowan Blvd. is approved in principle in accordance with the plans attached as pages 181-183 of **Exhibit “G”** to the Affidavit of Courtney Heron-Monk filed with the Tribunal and appended to this Order as **Attachment 1**.

[17] The Tribunal makes its findings in accordance with s. 2.1 (1) of the Act, having considered that the Settlement Proposal has been endorsed by the City.

INTERIM ORDER

[18] **THE TRIBUNAL ORDERS THAT** the appeal pursuant to s.22(7) of the Planning Act is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction or

receipt of those pre-requisite matters identified in paragraph [20] below, and the Draft Official Plan Amendment set out in **Attachment 2** to this Interim Order, is hereby approved in principle.

[19] **THE TRIBUNAL FURTHER ORDERS THAT** the appeal pursuant to s.34(11) of the Planning Act is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [20] below, and the Draft Zoning By-law Amendment set out in **Attachment 3** to this Interim Order, is hereby approved in principle.

[20] The Tribunal will withhold the issuance of its Final Order contingent upon written confirmation from the City Solicitor of the following pre-requisite matters:

- a. The final form of the Official Plan and Zoning By-law Amendments are to the satisfaction of the Executive Director, Development Review and the City Solicitor, including any appropriate holding (H) provisions;
- b. Acceptable site and concept landscape plans have been provided to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services for the required streetscape works along King Street West and Cowan Avenue (including the reduction of the curb radius at the northeast corner of the intersection, in accordance with the City's Curb Radii Design Guidelines);
- c. Any other required plans, reports and studies have been revised to the satisfaction of the Executive Director, Development Review, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the General Manager, Solid Waste Management Services with revisions, as may be necessary, implemented as part of the amending Zoning By-law, to the satisfaction of the Executive Director, Development Review; and,
- d. City Council has approved Rental Housing Demolition Application 23 213845 STE 04 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 housing.

[21] The Member will remain seized for the purposes of reviewing and approving the final Official Plan and Zoning By-law Amendments and the issuance of the Final Order.

[22] If the Parties do not provide confirmation that all contingent pre-requisites to the issuance of the Final Order as set out in paragraph [20] above have been satisfied and do not request the issuance of the Final Order within 120 days from the date of this Interim Order, a written status report shall be provided to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the Official Plan and Zoning By-law Amendments and issuance of the Final Order by the Tribunal.

[23] The Tribunal may, 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 pre-requisites and the issuance of the Final Order.

“Sharon L. Dionne”

SHARON L. DIONNE
MEMBER

Ontario Land Tribunal

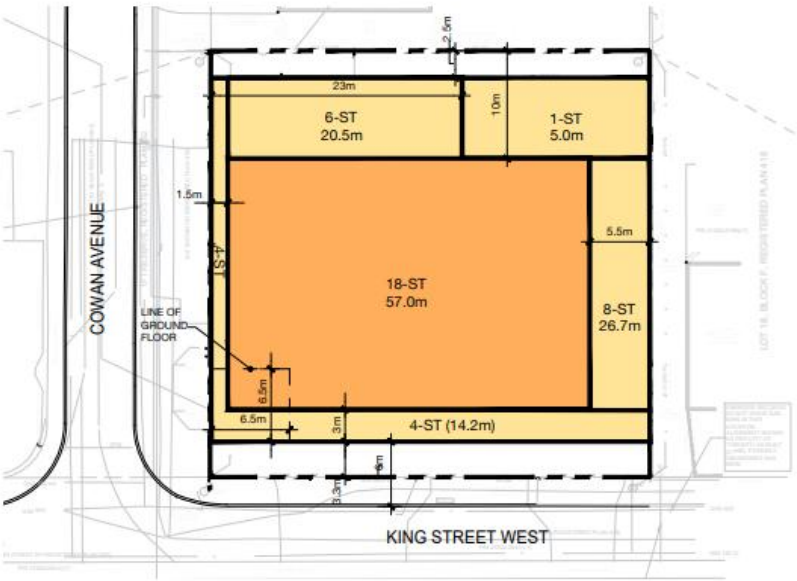
Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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

ATTACHMENT 1

SITE PLAN

Site Plan - April 2, 2025
Proposed 18-Storeys
GFA = +/- 14,850 sm



* There will be no protruding balconies on the East and West facades

Plans, dimensions, and calculations are preliminary and approximate. Conceptual design as shown is subject to municipal approvals

BDP.
Quadrangle

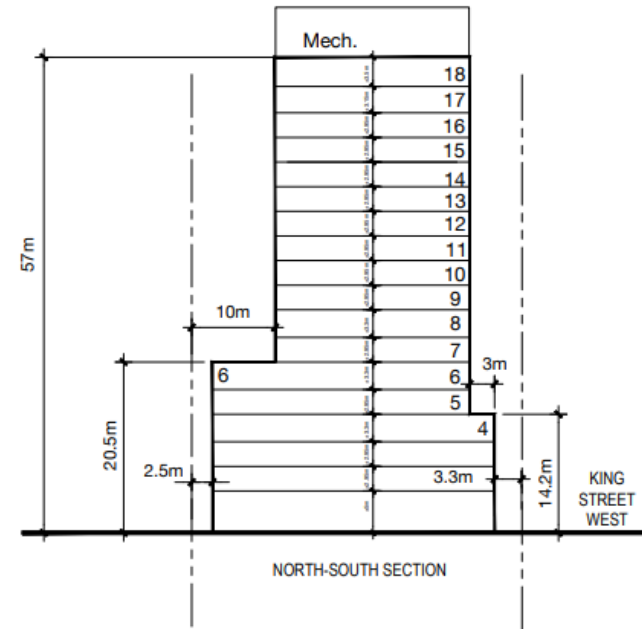
1304 King St W and 145 Cowan Ave | Project No. 17103 | 2 April 2025

WITHOUT PREJUDICE

GFA STATISTICS AND SECTION

18	773.0
17	773.0
16	773.0
15	773.0
14	773.0
13	773.0
12	773.0
11	773.0
10	773.0
9	773.0
8	900.0
7	900.0
6	1,050.0
5	1,050.0
4	1,229.0
3	1,229.0
2	1,100.0
GR	1,150.0
Total GBA	16,338.0 sm

±GFA	14,850.1 sm
±GFA	159,845.3 sf

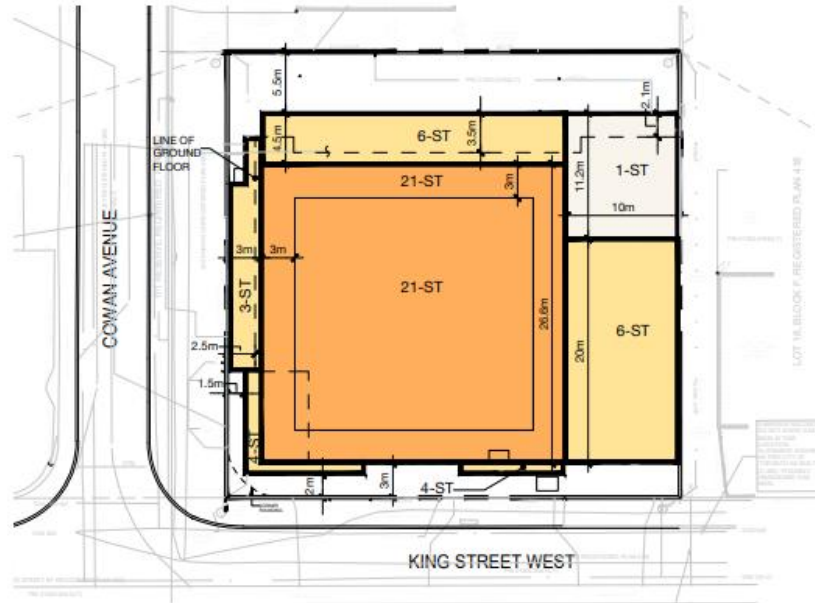


- GFA is assumed at ±90.8% of GBA. This compares with the ZBA submission calculations.
- Calculations include above grade GBA only
- 129sm Loading Bay deduction assumed for Floor 2

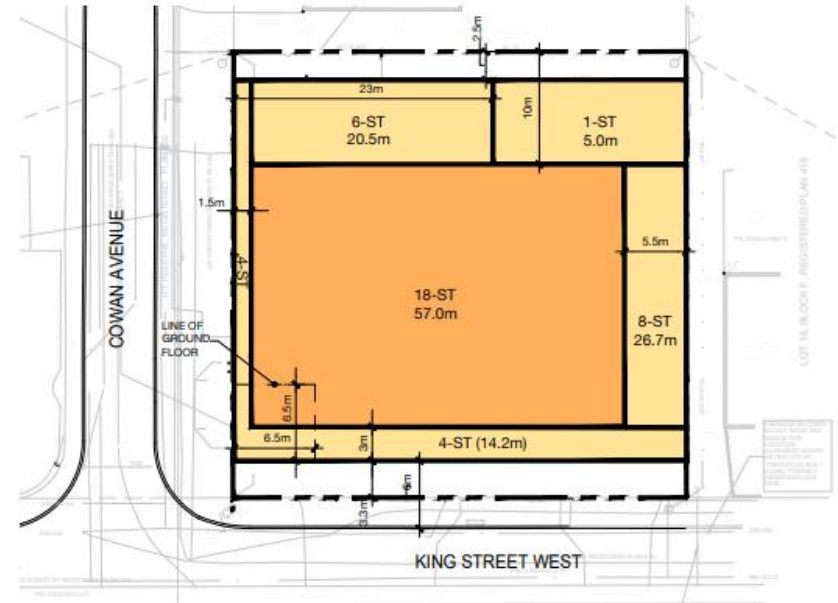
Plans, dimensions, and calculations are preliminary and approximate. Conceptual design as shown is subject to municipal approvals

SITE PLAN COMPARISON

Submitted for Rezoning Application - August 31, 2023
 21-Storey Tower
 GFA = 16,125.8 sm



Site Plan - April 2, 2025
 Proposed 18-Storeys
 GFA = +/- 14,850 sm



* There will be no protruding balconies on the East and West facades

ATTACHMENT 2

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-000906

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number] (OLT)

To adopt Amendment [-] to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2024, as 1304, 1306, 1312, 1314, 1316, 1318 King Street West and 143 and 145 Cowan Avenue.

Whereas authority is given to the Ontario Land Tribunal under the Planning Act, R.S.O. 1990, c. P. 13, as amended, upon hearing the appeal of the owners, to pass this By-law; and

Therefore the Official Plan of the City of Toronto, as amended, is further amended by the Ontario Land Tribunal as follows:

1. The attached Amendment [-] to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on [Clerks to insert date].

Ontario Land Tribunal Decision issued on XXXX, 2025 and Order issued on XXXX, 2025 in Tribunal File OLT-24-000906

AMENDMENT [-] TO THE OFFICIAL PLAN**LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS
1304, 1306, 1312, 1314, 1316, 1318 KING STREET WEST AND 143 AND 145
COWAN AVENUE**

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

1. Map 18, Land Use Plan, is amended by re-designating the lands known municipally as 1304, 1306, 1312, 1314, 1316 King Street West and 143 and 145 Cowan Avenue from *Neighbourhoods* to *Mixed Use Areas*, as shown on the attached Schedule A.

Schedule A



Official Plan Amendment - Map 18 - Land Use



Site Location : From Neighbourhoods to Mixed Use Areas



Neighbourhoods



Mixed Use Areas



Parks



Apartment Neighbourhoods



Institutional Areas



ATTACHMENT 3

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-000906

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 1304, 1306, 1312, 1314, 1316, 1318 King Street West and 143 and 145 Cowan Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-24-000906, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 1304, 1306, 1312, 1314, 1316, 1318 King Street West and 143 and 145 Cowan Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; and

The Ontario Land Tribunal Orders:

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, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2022 as 1304, 1306, 1312, 1314, 1316, and 1318 King Street West and 143 Cowan Avenue, as shown on Diagram 2 subject to this By-law to the Zoning By-law Map in Section 990.1, and applying the following zone label to these lands: **CR** (x [insert exception number]) as shown on Diagram 4 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 from **R (d1.0) (x324)** to **CR** (x [insert exception number]), as shown on Diagram 3 attached to this By-law;
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2022 as 1304, 1306, 1312, 1314, 1316 and 1318 King Street West and 143 Cowan Avenue to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying no value.

7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2022 as 1304, 1306, 1312, 1314, 1316 and 1318 King Street West and 143 Cowan Avenue to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2022 as 1304, 1306, 1312, 1314, 1316 and 1318 King Street West and 143 Cowan Avenue to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [-]

([assigned exception number]) Exception CR ([assigned exception number])

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 1304, 1306, 1312, 1314, 1316, and 1318 King Street West and 143 and 145 Cowan Avenue, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 93.97 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same storey as non-residential use portions of the **building**;
- (D) Despite regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law [Clerks to insert By-law number];
- (E) Despite regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law number]:
 - (i) elements on the roof of the **building** or structure used for green roof technology, roof assemblies and pavers, window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, parapets,

- terrace guards/landscape planters, outdoor amenity structures and privacy screens, ladders, garbage chute vents, access roof hatch, balustrades, ornamental or architectural features, to a maximum of 2.5 metres;
- (ii) structures on any roof used for maintenance or wind mitigation purposes, elevator overrun and machine room, to a maximum of 3.5 metres;
 - (iii) satellite dishes, antennae, acoustical barriers, signage, cabanas and trellises, to a maximum of 3.5 metres; and
 - (iv) mechanical penthouses or rooftop mechanical and electrical
- (F) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 15,150 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 14,800 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 350 square metres;
- (G) Despite regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number];
- (H) Despite clause 40.10.40.60 and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances and may project beyond the heavy lines, except for **lot lines**, as shown on Diagram 5 of By-law [Clerks to insert By-law number]:
- (i) pilasters, decorative columns, belt courses, communication equipment, cornices, lighting fixtures, ducts, eaves, energy devices, fences, guardrails, landscape or architectural features, ornamental or architectural elements, parapets, trellises, stair enclosures, accessible ramps, site servicing features, landscape and **green roof** elements, mechanical and architectural screening, pipes, planters, satellite dishes, terrace guards, vents, wind protection, window sills and washing equipment, to a maximum of 1.8m;
 - (ii) wind mitigation features including canopies and awnings, bicycle parking spaces, to a maximum of 3.0m;

- (iii) projecting balconies are only permitted within the balcony zones identified on Diagram 5 of By-law [Clerks to insert By-law number] and may encroach up to a maximum of 2.0 metres; and
- (iv) wrap around balconies are prohibited on all elevations;
- (I) Despite regulation 40.10.50.10(3), a 1.5 metre wide strip of **soft landscaping** is not required to be provided along any part of the **lot line** abutting another lot in the Residential Zone category.
- (J) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, 4 residential visitor **parking spaces** are provided;
- (K) Despite regulation 200.15.10.5(1), 2 accessible **parking spaces** must be provided;
- (L) Despite regulations 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;
- (M) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the **building** on the **lot**;
- (N) Despite regulation 230.5.10(4)(D) and (E), "**oversized bicycle parking**" is not required;
- (O) Regulations 200.15.1(5) and 230.5.10(13) (15) and (16) and 230.5.10.1(7) do not apply; and
- (P) Despite Regulation 230.5.1.10(14)(a), within areas used for bicycle parking, access to **bicycle parking spaces** must be provided via an unobstructed aisle of 2.5 metres width if it is an **oversized bicycle parking space**.

Prevailing By-laws and Prevailing Sections: None Apply

10. 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.

Enacted and passed on [Clerks to insert date].

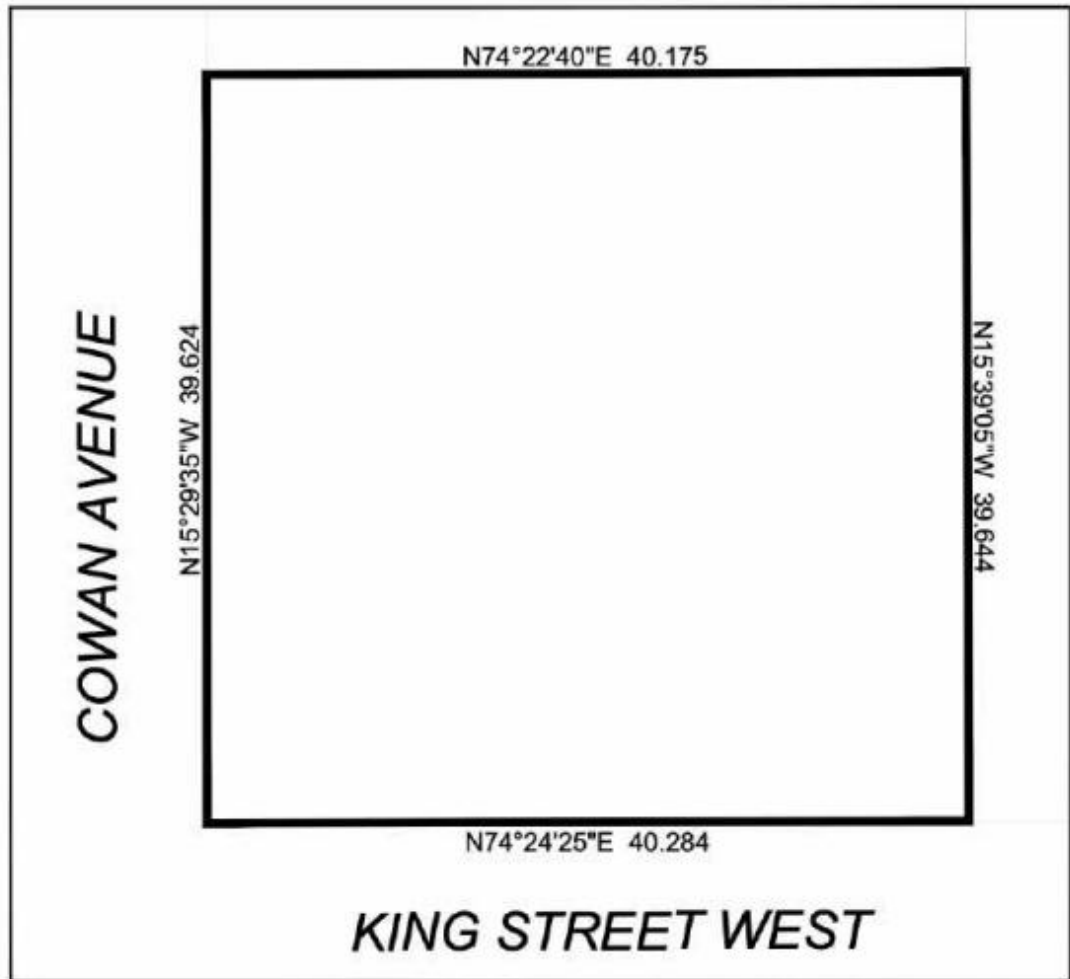
[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

5

City of Toronto By-law [Clerks to insert By-law number] (OLT)



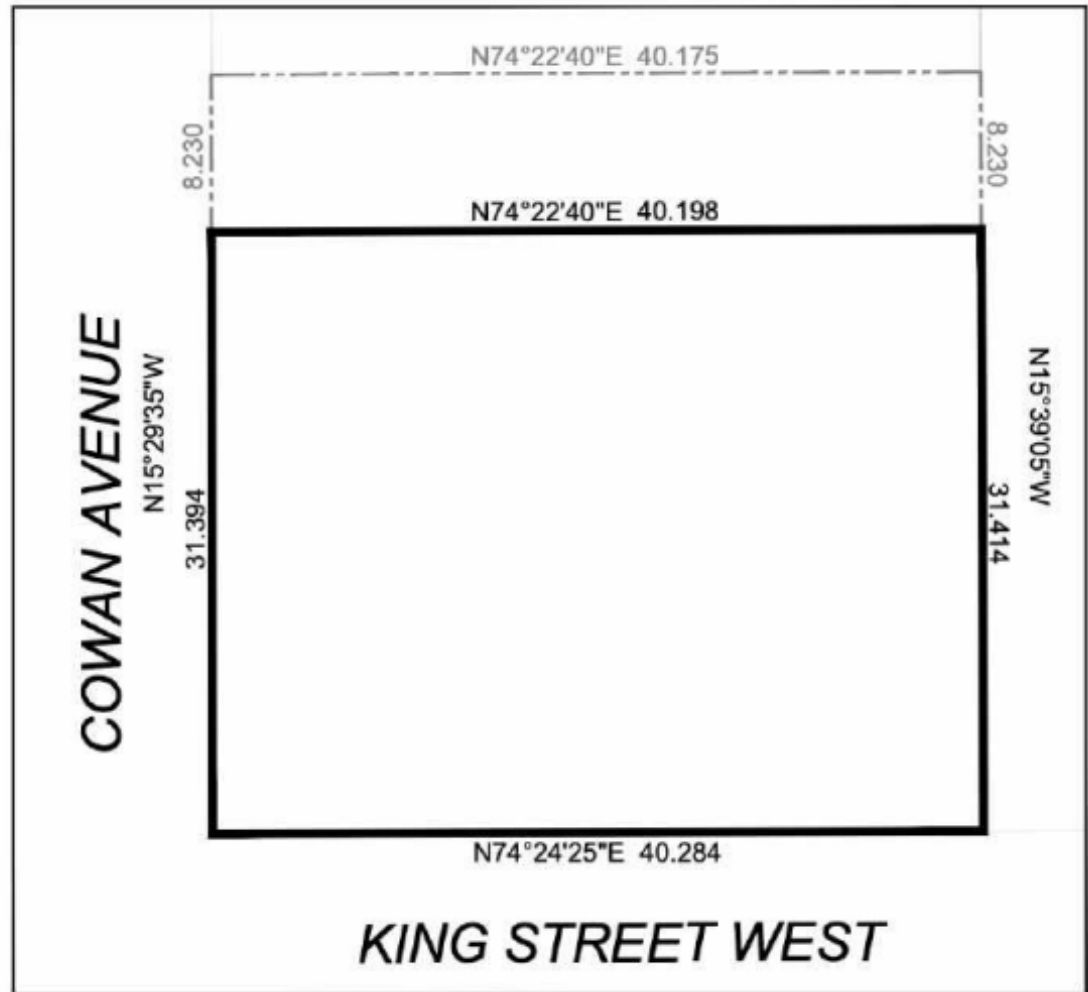
1304-1318 King Street West and 143-145 Cowan Avenue

Diagram 1

File #23 213844 STE 04 02



Not to Scale



 **TORONTO**

Diagram 2

1304-1318 King Street West and 143 Cowan Avenue

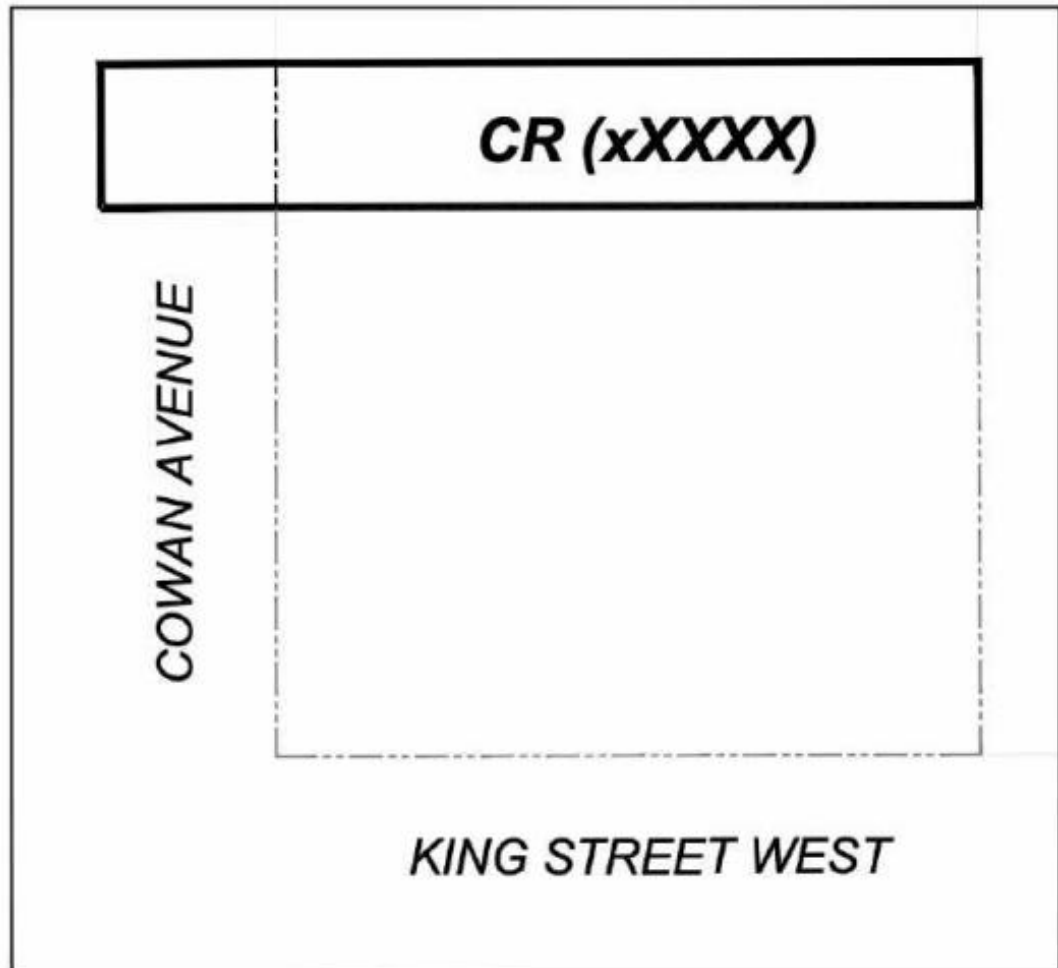
File #23 213844 STE 04 OZ



Not to Scale

7

City of Toronto By-law [Clerks to insert By-law number] (OLT)



 **Toronto**
Diagram 3

145 Cowan Avenue

File #23 213844 STE 04 OZ



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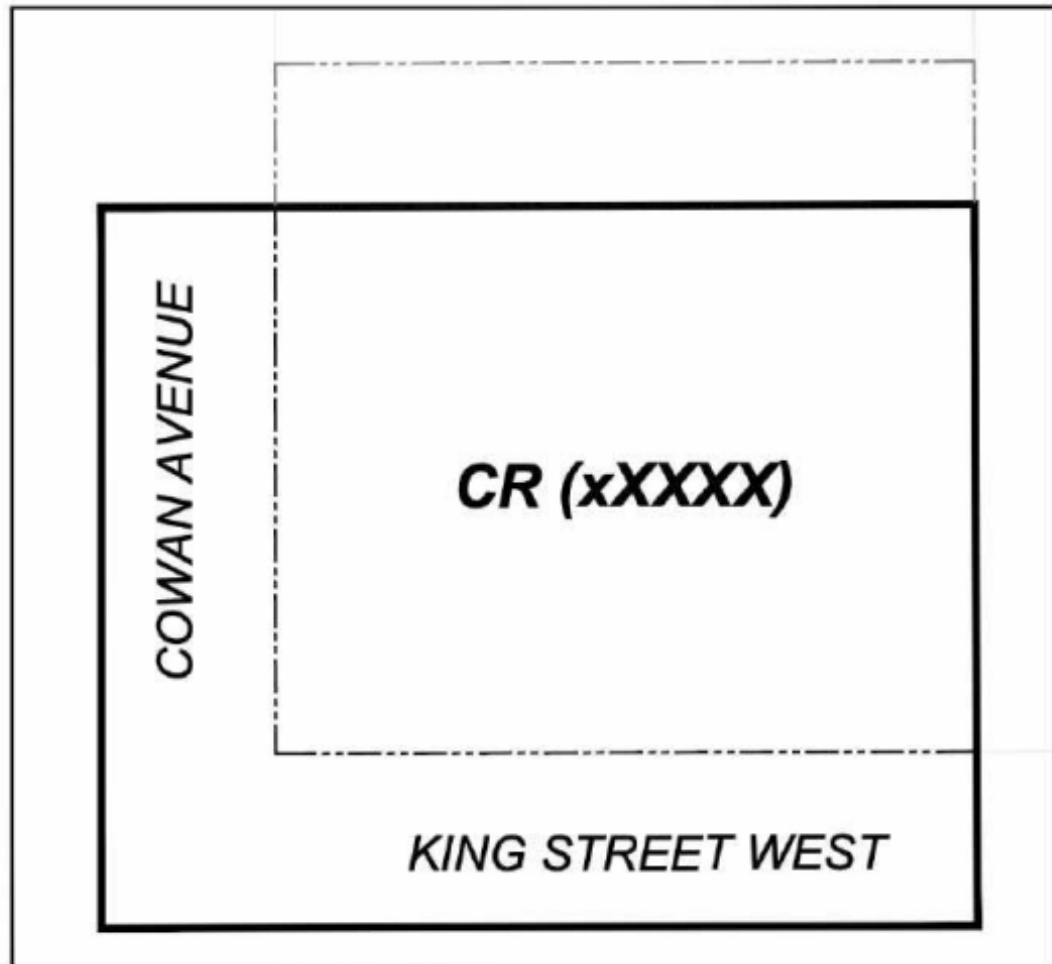


Diagram 4

1304-1318 King Street West and 143 Cowan Avenue

File #23 213844 STE 04 02



Not to Scale

