

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



**ISSUE DATE:** July 08, 2025

**CASE NO(S):** OLT-24-001142

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

Applicant and Appellant: Gabriele Homes Ltd.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit the development of an 11-storey mixed-use building.  
Reference Number: 15 171595 STE 32 OZ  
Property Address: 847-855 Kingston Road  
Municipality/UT: City of Toronto  
OLT Case No.: OLT-24-001142  
OLT Lead Case No.: OLT-24-001142  
OLT Case Name: Gabriele Homes Ltd. 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: Gabriele Homes Ltd.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit the development of an 11-storey mixed-use building.  
Reference Number: 15 171595 STE 32 OZ  
Property Address: 847-855 Kingston Road  
Municipality/UT: City of Toronto  
OLT Case No.: OLT-24-001143  
OLT Lead Case No.: OLT-24-001142  
OLT Case Name: Gabriele Homes Ltd. v. Toronto (City)

**Heard:** May 14, 2025 by Video Hearing

**APPEARANCES:****Parties**

Gabriele Homes Ltd.

City of Toronto

Toronto and Region Conservation  
Authority**Counsel**Mark Flowers  
Alexia Ivo (student-at-law)

Jyoti Zuidema

Matthew Rutledge  
Tim Duncan (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED BY C. I. MOLINARI ON MAY 14, 2025 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Tribunal convened a first Case Management Conference (“CMC”) with respect to appeals filed pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) by Gabriele Homes Ltd. (“Appellant”) against the failure of the City of Toronto (“City”) to make decisions on Official Plan Amendment and Zoning By-law Amendment applications (“Applications”) within the timeframe prescribed by the Act.

[2] The purpose of the Applications is to facilitate an 11-storey mixed-use building for the properties located at 847-855 Kingston Road (“Property”).

**NOTICE**

[3] An Affidavit of Service affirmed on April 17, 2025, attesting to the giving of notice for this proceeding, was marked as **Exhibit 1**. There were no concerns raised regarding the notice, and the Tribunal was satisfied that proper notice had been provided. In this regard, no further notice is required for the appeals.

## **PARTY AND PARTICIPANT STATUS REQUESTS**

[4] In advance of the CMC, a request for Party status was received from Toronto and Region Conservation Authority (“TRCA”) in relation to natural hazard matters.

[5] There were no objections from the Parties, and TRCA’s issues were incorporated into the submitted draft Procedural Order (“PO”) as submitted.

[6] The Tribunal granted Party status to TRCA as it has a genuine and direct interest in the matter and could assist the Tribunal in making its decision at the merit hearing.

[7] Also in advance of the CMC, a request for Party status was received from Protect Our Ravines Initiative (“PORI”), a newly incorporated resident association, citing concerns related to setbacks from the erosion hazard, ecological buffers, removal of trees, and consistency with the City’s Official Plan (“COP”) and the City’s Avenues & Mid-Rise Buildings Study. PORI’s Party status request form noted that its concerns are directly aligned with the positions of both the City and TRCA.

[8] Having submitted the request for Party status after the May 4, 2025 deadline, PORI, represented by Michael Genin, requested leave from the deadline date. Mr. Genin suggested that the additional time was required to allow for PORI to be incorporated, which it has now done. The Tribunal is in receipt of the Articles of Incorporation, and with no objections from the Parties, the Tribunal granted the extension, as the reason for the extension is reasonable and there is no apparent prejudice to any Party at this early stage in the proceedings.

[9] With respect to the Party status request, Mr. Genin advised the Tribunal that PORI would not be raising any new issues, and intended to hire legal counsel and expert witnesses to address ecological and natural heritage matters at the merit hearing.

[10] Counsel for the Appellant noted concerns related to the timing of the status request, as the Issues List had already been determined between the Appellant, the City, and TRCA. He also noted that each of the directors of PORI had filed Participant

statements and that the community interests, and therefore PORI's concerns, are articulated through the Participant statements and directly align with the issues of the City and TRCA.

[11] The Tribunal found that PORI's concerns will be advanced by both the City and TRCA, as well as by the numerous Participants, and that a duplication of arguments does not strengthen a position or give it more weight and is not helpful in assisting the Tribunal in making its decision at the merit hearing.

[12] The Tribunal denied Party status to PORI but noted that, as an alternative, PORI could convert its request to Participant status and, if so, should do so by **Friday, May 16, 2025**.

[13] The Tribunal received requests for Participant status from the persons listed in **Schedule 1** to this Decision, collectively citing concerns related to height and massing, number of units, school capacity, removal of trees, the environment, animal habitat, erosion and slope stability, setbacks, development within the tree canopy drip line, mitigation measures, COP conformity, potential land use conflicts, consistency with the Toronto Ravine Strategy, parking standards, road safety, impacts on the community, water quality, shading, light pollution, climate change, community benefits, past expropriation of lands, and property owner rights among other concerns.

[14] Counsel for the Appellant raised a concern related to Lisa Hillman's Participant statement, wherein Ms. Hillman included comments unrelated to the Applications, and requested that her statement be required to be revised and resubmitted.

[15] The Tribunal granted Participant status to all requestors listed in **Schedule 1**, subject to Ms. Hillman's statement being revised and resubmitted as above, as they each have a genuine and direct interest in the matter and could assist the Tribunal in making its decision at the merit hearing.

[16] The Tribunal has since received, and circulated to the Parties, a Participant statement from PORI, and a revised Participant statement from Ms. Hillman. The

Tribunal subsequently granted PORI and Ms. Hillman Participant status. It is noted that the Tribunal will only consider those aspects of Ms. Hillman's statement that are relevant to the appeals.

[17] There were no additional requests for Party during or after the CMC. Requests for Participant status were received after the CMC from Diane Westgate and Julia Donnelly O'Neill with similar concerns as mentioned in paragraph [13]. Ms. Westgate had an additional concern related to the location of the transit stop and shadowing.

[18] As Ms. Westgate and Ms. Donnelly O'Neill are listed as Participants in the PO as submitted by the Parties, the Tribunal infers no objection to their status requests, and they are both granted Participant Status.

[19] The Tribunal advised the Parties to ensure that their witnesses address the concerns of the Participants in their evidence at the merit hearing.

#### **DRAFT PROCEDURAL ORDER**

[20] The Tribunal was in receipt of a draft PO, which will be finalized by the Parties with the addition of hearing dates and the removal of edits to Attachment 4.

[21] The Parties agreed to submit the final draft PO to the Case Coordinator by **Tuesday, May 20, 2025** for finalization and approval by the Tribunal. The Tribunal has since received, reviewed, and approved the PO attached as **Schedule 2** to this Decision.

#### **NEXT STEPS**

[22] The Tribunal engaged the Parties in a discussion about the next steps in the process, including the need for a second CMC.

[23] Counsel for the Appellant noted that a second CMC was not anticipated to be required and requested the scheduling of a 15-day hearing in the spring of 2026. Both the City and TRCA were in agreement and a merit hearing was scheduled as set out below.

## HEARING EVENTS

[24] The Tribunal scheduled a 15-day merit hearing for **Monday, April 13, 2026**, at **10 a.m. to Friday, May 1, 2026**, by video hearing.

[25] Parties and Participants are asked to log in to the event at least **15 minutes** before it begins to test their video and audio connections:

**GoTo Meeting:** <https://global.gotomeeting.com/join/660145013>

**Access code:** 660-145-013

[26] Parties and Participants 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 **GoTo Meeting** or a web application is available:

<https://app.gotomeeting.com/home.html>

[27] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1 (647) 497-9373 or (Toll-Free) 1-888-299-1889**. The access code is the same as the access code noted above.

[28] 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 event to ensure that they are properly connected at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

## MEDIATION / SETTLEMENT

[29] The Tribunal advised the Parties of the options of Tribunal-led mediation and/or a written hearing if a settlement is reached, and to contact the Case Coordinator to determine next steps as required.

**ORDER****[30] THE TRIBUNAL ORDERS THAT:**

- a) Party status is granted to Toronto and Region Conservation Authority;
- b) Party status is denied to Protect Our Ravines Initiative;
- c) Participant status is granted to all persons listed in **Schedule 1** to this decision;
- d) a 15-day merit hearing will be held by video from **Monday, April 13, 2026**, at **10 a.m. to Friday, May 1, 2026**, as directed above; and
- e) the Procedural Order, appended to this Decision as **Schedule 2**, is in full force and effect.

[31] No further notice is required.

[32] The Member is not seized of this matter.

*“C. I. Molinari”*

C. I. MOLINARI  
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****Participants**

1. Kristyn Annis
2. Eva Bennett
3. Catherine Boyd
4. Rob Boyd
5. Brendan Callaghan
6. Jennifer Charlesworth
7. Ingrid Conner
8. Cherie Daly
9. Christopher Dassios
10. Gianna Dassios
11. Sylvie Dion
12. Elizabeth Doyle
13. Sheila Dunn
14. Richard Faulkner
15. Amy Ferguson
16. Michael Genin
17. John Girardo
18. Mark Goldbloom
19. Alex Hancock
20. Naomi Harmer
21. John Hartley
22. Lisa Hillman
23. Kristina Jokinen
24. Susannah Kervin
25. Alexander Lewis
26. Elizabeth Lewis
27. Mary Lewis
28. Valerie Lewis
29. Nicola Lisi
30. Megan Lund
31. Julia Maludzinski
32. Amanda Marsella
33. Doug Mason
34. Dan McCabe
35. Diana McMulkin
36. Lauren Mercurio-Smith
37. Vojko Miklausic
38. Anna Lucy Monte-Lisi
39. Lauren Murphy-Miller
40. Russell Nagle
41. Jason Naubur
42. Jon Neuert
43. Nancy Philip
44. Greg Picon
45. Jennifer Pilkington
46. Suzie Raheb
47. Phil Renzoni
48. Irene Roman
49. Karin Schemeit
50. Uwe Sehmrau
51. Holly Sharpe
52. Robert Shoniker
53. Brandi Sundby
54. Sarah Wiley
55. Larry Williamson
56. Alison Wines
57. Protect Our Ravines Initiative
58. Diane Westgate
59. Julia Donnelly O'Neill

## SCHEDULE 2

# Ontario Land Tribunal



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

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OLT Case No.: OLT-24-001143  
OLT Lead Case No.: OLT-24-001142  
OLT Case Name: Gabriele Homes Ltd. v. Toronto (City)

## PROCEDURAL ORDER

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

1. The video hearing will begin on **Monday, April 13, 2026** at 10:00 A.M. No further notice shall be required.
2. The length of the hearing will be approximately fifteen (15) 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.
3. The parties and participants (see **Attachment “4”** for the meaning of these terms) identified at the Case Management Conference are listed in **Attachment “1”** to this Order.
4. The issues for the hearing are set out in the Issues List attached as **Attachment “2”** to this Order. 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, except if the Issues List is modified on consent of the parties, through mediation or pursuant to a settlement between the parties.
5. The order of evidence for the hearing is listed in **Attachment “3”** 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. 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 **Monday, November 17, 2025**. 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 are intended to be called. This list must be delivered on or before **Friday, December**

**12, 2025**, and in accordance with paragraph 23 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area(s) of expertise in which the witness is proposed to be qualified.

10. Expert witnesses in the same field shall have a meeting on or before **Monday, January 19, 2026**, to try to resolve or reduce the issues for the hearing. Following the experts' meeting, a Statement of Agreed Facts and Issues shall be filed with the OLT case coordinator on or before **Wednesday, January 28, 2026**.
11. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as in paragraph 13. 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 anticipated evidence as in paragraph 13. 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 **Thursday, February 12, 2026**, the parties shall provide copies of their witness and expert witness statements to the other parties and to the OLT case coordinator and in accordance with paragraph 23 below.
14. On or before **Thursday, February 12, 2026**, a participant shall provide copies of their written participant statement to the other parties and the OLT case coordinator in accordance with paragraph 23 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
15. Parties may provide to all other parties and the OLT case coordinator a written response to any written evidence on or before **Monday, March 9, 2026**, and in accordance with paragraph 23 below.
16. On or before **Monday, March 9, 2026**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
17. On or before **Monday, March 23, 2026**, the parties shall provide copies of their visual evidence to all of the other parties and the OLT case coordinator in accordance with paragraph 23 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 coordinator on or before **Monday, March 30, 2026**.

19. Any documents which may be used by a party in cross examination of an opposing party's witness shall be password protected and only be accessible to the Tribunal and the other parties if it is introduced as evidence at the hearing, pursuant to the directions provided by the OLT case coordinator. The parties may also introduce documents to be used during cross-examination at the hearing.
20. 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.*
21. A party who provides a witness' written evidence or expert witness statement 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 prior to the hearing that the written evidence is not part of their record.
22. The parties shall prepare and file a preliminary hearing plan with the Tribunal on or before **Tuesday, April 7, 2026**, 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.
23. All filings shall be electronic and, if requested by the Tribunal, also 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 Rule 7.
24. 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.**

**SUMMARY OF DATES**

<b>DATE</b>	<b>EVENT</b>
November 17, 2025	Applicant to provide copies of any revised proposal, including all revised plans and drawings (if any)
December 12, 2025	Parties to exchange lists of witnesses (names, disciplines, CVs and intended order to be called)
January 19, 2026	Meetings of Expert Witnesses
January 28, 2026	Parties to file Statements of Agreed Facts and Issues
February 12, 2026	Exchange of Witness Statements, summonsed witness outlines, Expert Reports and Participant Statements
March 9, 2026	Exchange of Reply Witness Statements
March 9, 2026	Parties to advise OLT if all scheduled hearing days are required
March 23, 2026	Exchange of visual evidence
March 30, 2026	Joint Document Book to be filed
April 7, 2026	Parties to file hearing plan
April 13, 2026	Hearing commences

## Attachment 1

### LIST OF PARTIES / PARTICIPANTS

#### PARTIES

1. **Gabriele Homes Ltd**

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**Julia Donnelly O'Neill**

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## Attachment 2

### ISSUES LIST

*The identification of an issue on this list does not mean that all parties agree that the issue, or the manner in which it is expressed, is appropriate for or relevant to the proper determination of the appeals. The extent of the appropriateness and/or relevance of the issue may be a matter of evidence and/or argument at the hearing.*

#### Issues List of City of Toronto

##### Planning Act

1. Does the proposed development, and the Official Plan and Zoning By-law Amendments have appropriate regard for the matters of provincial interest set forth in Section 2 of the Planning Act, particularly:
  - 2(a): the protection of ecological systems including natural areas, features and functions;
  - 2(h): the orderly development of safe and healthy communities;
  - 2(o): the protection of public health and safety;
  - 2(p): the appropriate location of growth and development; and
  - 2(r): the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

##### City of Toronto Official Plan

2. Does the proposed development conform to the policies of the City of Toronto Official Plan, including, but not limited to, the following sections:
  - 2.2.3.3: Development will be permitted on Avenues prior to an Avenue Study and implementing the policies of the Plan for the relevant Designation Area.
    - 1.
  - 3.1.3.4: Development will locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas, and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding by:
    - i. 3.1.3.4.e): limiting new, and removing existing, surface parking and vehicular access between the front face of a building and the public street or sidewalk.

- 3.1.3.5: Development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by:
  - i. 3.1.3.5 a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context.
- 3.1.4.4 a): Mid-rise buildings have heights generally no greater than the width of the right-of-way that it fronts onto.
- 3.1.4.4 c): Mid-rise buildings allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.
- 3.4.8 Development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards:
  - i. 3.4.8.a) the top-of-bank of valleys, ravines and bluffs; and
  - ii. 3.4.8.c) other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property.
- 3.4.9: Alteration of the existing slope of a valley, ravine or bluff or shoreline for the purpose of accommodating development will not be permitted.
- 3.4.11: Development is generally not permitted in the natural heritage system illustrated on Map 9. Where the underlying land use designation provides for development in or near the natural heritage system, development will:
  - i. 3.4.11.a): Recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
  - ii. 3.4.11.b): Minimize adverse impacts and when possible, restore and enhance the natural heritage system.
- 3.4.13: All proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system, taking into account the consequences for:
  - i. 3.4.13.a): terrestrial natural habitat features and functions including wetlands and wildlife habitat;

- ii. 3.4.13.c): Significant physical features and land forms;
  - iii. 3.4.12.e): Buffer areas and functions; and
  - iv. 3.4.12.f): Vegetation communities and species of concern.
- 3.4.14: Areas of land or water within the natural heritage system with any of the following characteristics are particularly sensitive and require additional protection to preserve their environmentally significant qualities:
  - i. 3.4.14.a): Habitats for vulnerable, rare, threatened or endangered plant and/or animal species and communities that are vulnerable, threatened or endangered within the City or the Greater Toronto Area; or
  - ii. 3.4.14.c): Habitats or communities of flora and fauna that are of a large size or have an unusually high diversity of otherwise commonly encountered biological communities and associated plants and animals.
- 4.5.2: In *Mixed Use Areas* development will:
  - i. 4.5.2.c): Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan;
  - ii. 4.5.2.e): Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets; and
  - iii. 4.5.2.i): Provide good site access and circulation.

**City of Toronto Act - Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection By-Law**

3. Does the development conform to the following Ravine and Natural Feature Protection By-laws in the City of Toronto Act, 2006 and in particular, section 104?
  - Section 104. (1): This section applies to a city by-law prohibiting or regulating the destruction or injuring of trees. 2006, c. 11, Sched. A, s.104 (1).

- Section 104 (2): In passing a by-law prohibiting or regulating the destruction or injuring of trees in woodlands, the City shall have regard to good forestry practices as defined in the Forestry Act, 2006, c. 11, Sched.A, s. 104 (2).

### **Site Specific Issues**

#### Community Planning and Urban Design:

4. Does the proposed development meet the Mid-Rise Design Guidelines, 2010 for the curb to building face setbacks along Kingston Road?
5. Does the proposed development ensure protection of the future tree canopy within the front yard setback?
6. Does the proposed development have a streetwall height that is consistent with the current and emerging character of the area?
7. Has the proposed development enhanced the public realm by ensuring there are no additional negative impacts, particularly as they relate to shadows?
8. Are the setbacks appropriate? Is the street-wall height appropriate and in keeping with the City's 2010 Mid-Rise Design Guidelines?
9. Is the overall building height, including the first floor height of 6 metres acceptable, meeting the objectives of the City's in-force and draft Mid-Rise Guidelines, 2010?
10. Does the proposed height ensure that shadows are limited on the north side sidewalk on Kingston Road?
11. Does the development as currently designed secure five continuous hours of sunlight on the north side of the sidewalk and public realm during spring and fall equinoxes pursuant to the Updated Mid-Rise Design Guideline Performance Standards and Official Plan policy?
12. Does the application meet the Toronto Green Standards, Version 4, Tier 1 requirements?
13. Does the proposal include an outdoor pet relief area in accordance with the Pet Friendly Design Guidelines?
14. Does the proposed development have wind impacts on the public realm and outdoor amenity areas? If there are any wind impacts on these areas, what measures have been taken to mitigate them?

*Secondary Issues:*

15. Has an updated landscape composite utility plan been provided to confirm that any existing and proposed sanitary sewer, storm sewer, catch basins, watermain, hydrant locations, service laterals, street lighting system, pedestals and transformers etc. do not conflict with street trees and private landscaping?
16. Is the indoor and outdoor amenity space adequate and does it meet the requirements of the City's Zoning By-law 569-2013?

**Engineering Development Review and Solid Waste Management:**

17. Has the proponent confirmed through investigation (e.g. sewer survey, service connection cards, CCTV, dye tests) to determine which sewers are receiving flows from the existing buildings?
18. Has there been a demonstration that the site is in compliance with the F-5-5 policy as it relates to increasing sanitary flows to the existing municipal combined sewers?
19. Do the Functional Servicing and Hydrogeological Report adhere to the City's Foundation Drainage Policy?
20. Does the sanitary analysis properly reflect the criteria in the Sewer Capacity Assessment Guidelines, and does that analysis take into consideration the surrounding developments?
21. Has the proponent provided additional and adequate information with respect to the hydrant flow tests to show that they are acceptable?

**Solid Waste Services:**

22. Because a portion of the real property where development is or will be proposed lies within 500 metres of a closed municipal landfill, has a Methane Gas Study been completed in compliance with Official Plan Policy 3.4.23? Has a subsurface investigation been completed in compliance with Ontario's Record of Site Condition, Regulation 153/04?
23. Has a Type G loading space been provided in accordance with the City's standards, and in particular Zoning By-law 569-2013?
24. Are the driveways in the proposed development acceptable in terms of maximum gradient and minimum vertical clearance?

**Transportation Services:**

25. Is the driveway access location acceptable?

26. Is the visitor parking designed appropriately such that it will be easy to access?
27. Have the setbacks along Kingston Road been configured to allow for adequate transit services?

**Ravine and Natural Feature Protection:**

28. Is the proposal compliant with the Toronto Green Standards, Version 4, Tier 1, and specifically EC 3.1 and EC 3.2?
29. Has there been satisfactory studies conducted to ensure that there will be no harm to existing healthy trees?

**Environmental Planning:**

30. Is the proposal in conformity to Official Plan (OP) policies 3.4.8, 3.4.9, 3.4.11, 3.4.13 and 3.4.14 with respect to:
  - i. Is there an adequate development setback from the long-term stable top of slope (LTSTOS) associated with the Glen Stewart Ravine?
  - ii. Does the development provide adequate mitigation in the form of an ecological buffer to address negative impacts associated with the development encroaching within the Environmentally Significant Area and the City's Natural Heritage System?
  - iii. Has the Natural Heritage Impact Study submitted demonstrated conformity to the relevant Official Plan policies and address the peer review letter prepared by North South Environmental dated September 13, 2024?

**Urban Forestry:**

31. Whether the supporting arborist report was satisfactory to support the proposal in light of the City's direction to assess impacts on the natural environment?
32. What are the impacts to both City and private trees and are those impacts acceptable based on the application to remove or injure such trees, presuming such application has been made?

**Parks Planning:**

33. Has adequate provision been made for parkland?

**Issues List of Toronto and Region Conservation Authority**

34. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment have regard to matters of provincial interest, as set out in Section 2 of the Planning Act, including subsections 2(h), (m), (o) and (p)?
35. Are the proposed development, Official Plan Amendment and Zoning By-law Amendment consistent with the policies of the Provincial Planning Statement, 2024, including policies 5.1.1, 5.2.1, 5.2.2, 5.2.4 and 5.2.8?
36. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment conform with the policies of the City of Toronto Official Plan, including policies 3.4.1e), 3.4.8, 3.4.9 and 3.4.10?
37. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment have appropriate regard for and meet the intent and purpose of the general regulations of the City of Toronto Zoning By-law 569-2013 applying to all zones, including sections 5.10.40.1, 5.10.40.40, 5.10.40.70, and 5.10.40.80?
38. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment have appropriate regard for the policies contained in the 2014 Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority, including policies 7.3.1.3, 7.4.3.3, 7.5.2.2, 7.5.2.4, 8.4.8, and 8.5.1?
39. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment provide an acceptable erosion access allowance in accordance with Provincial and TRCA requirements?

## **Attachment 3**

### **ORDER OF EVIDENCE**

1. Gabriele Homes Ltd.
2. City of Toronto
3. Toronto and Region Conservation Authority
4. Reply of Gabriele Homes Ltd. (if any)

## Attachment 4

### MEANING OF TERMS USED IN THE PROCEDURAL ORDER

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.*