

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 12, 2025

CASE NO(S).: OLT-25-000062

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

Applicant/Appellant:	297506 Ontario Ltd. and Diamond Corp.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a 56-storey mixed-use building with 407 residential units and 272.2 m ² of commercial space
Reference Number:	24 146664 NNY 08 OZ
Property Address:	2346 Yonge Street
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-25-000062
OLT Lead Case No.:	OLT-25-000062
OLT Case Name:	297506 Ontario Ltd. and Diamond Corp. v. Toronto (City)

Heard: October 6, 2025, by video hearing

APPEARANCES:

Parties

297506 Ontario Ltd. and Diamond Corp.

City of Toronto

2350 Yonge Street Inc.

Counsel/Representative*

Mark Flowers
Alexia Lvo (*student-at-law*)

Gabe Szobel
Marc Hardiejowski

Rodney Gill
Cristin Hunt

Phoenix 2323 Yonge Street Inc.
Phoenix 2329 Yonge Street Inc.
Phoenix 2345 Yonge Street Inc.

Anne Benedetti
Arjun Prasad (*student-at-law*)

2354 Yonge Street Inc.

Brian Noy*
Josh Epstein*

EPRA LPRO SKHC 500 Duplex
Coalition

Thomas Cohen*

MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON OCTOBER 6, 2025 AND INTERIM ORDER OF THE TRIBUNAL

[Link to the Order](#)

INTRODUCTION

[1] This decision and Interim Order pertain to the uncontested settlement merit hearing for the lands known as 2346 Yonge Street (“Subject Site”), which are located at the corner of Yonge Street and Orchard View Boulevard in the City of Toronto (“City”).

[2] At an April 8, 2025, Case Management Conference the Tribunal Ordered that this matter and Case No. OLT-23-000686, regarding 2350 Yonge Street, which is directly north of the Subject Site, be heard together but not consolidated given their geographic proximity and potential overlapping areas of evidence. This matter was solely heard on the first day. The remaining days heard the contested merit evidence for 2350 Yonge Street.

[3] This decision only pertains to the uncontested settlement merit hearing for the Subject Site.

[4] 297506 Ontario Ltd. and Diamond Corp. (“Applicant” / “Appellant”) proposes to construct a 54-storey mixed-use tall tower with 391 residential units ranging from 1-3 bedrooms, and 292.7 square metres (“sq m”) at grade commercial. Currently a two-storey financial banking institution occupies the Subject Site with surface parking at the rear with

vehicular access from Orchard View Boulevard. To permit the proposed development a Zoning By-law Amendment (“ZBA”) application was filed. City Council refused the application and subsequently the Appellant appealed the decision. Additionally, the Tribunal notes that the Appellant filed and appealed an Official Plan Amendment to permit the development but has since withdrew that appeal as it is no longer required due to approval of the Projected Major Transit Station Area (“PMTSA”).

[5] Somewhat in parallel, neighbouring property owner, 2350 Yonge Street Inc. (“2350”) proposes to develop their lands with a tall tower immediately north of the Subject Site on their lands municipally known as 2350 Yonge Street. 2350 proposes to construct a 56-storey mixed-use tall tower which is to be situated “back-to-back” with the proposed development.

[6] The Tribunal, based on Michael Goldberg’s *Curriculum Vitae* and Acknowledgement of Experts Duty, qualified Mr. Goldberg to provide opinion evidence in the area of land use planning. To support his findings the Tribunal marked the following documents as Exhibits:

1. Michael Goldberg, Witness Statement, July 23, 2025
2. Visual Evidence Book
3. Document Book

[7] For the reasons found below, the Tribunal allowed the appeal on an interim basis and withholds issuance of the Final Order subject to 11 conditions.

SITE AND SURROUNDING CONTEXT

[8] The Subject Site is an irregular “L” shaped corner parcel located in the northwest corner of the intersection of Yonge Street and Orchard View Boulevard and has the following measurements:

1. 19.75 metres ("m") frontage along Yonge Street
2. 50 m depth/frontage along Orchard View Boulevard
3. 1,244.5 sq m site area

[9] Promptly north of the Subject Site is 2350, 2352 and 2354 Yonge Street, which are currently developed with three similar three-story mixed used buildings. 2350 owns 2350 and 2352 Yonge Street and are subject to a rezoning proposal to redeveloped with a tall tower as mentioned above.

[10] At the corner of Yonge Street and Helendale Avenue is a recently constructed 29-storey mixed-use building known as the "Whitehaus Condos". The tower portion of the Whitehaus Condos is set further back from Yonge Street and therefore "staggered" further west in comparison to the proposed development. The Proposed Development tower portion and the Whitehaus Condos has an approximate 35 m tower separation.

[11] Directly west of the Subject site is the North District Library and Stanley Knowles Housing Cooperative Inc. which is a 13-storey building, followed by a 20-storey residential building fronting onto Duplex Avenue.

[12] Directly East of the Subject Site and across Yonge Street at 2323-2329 Yonge Street is currently occupied by low-rise, mixed-use buildings of 2-8 storeys in height. At the time of the Settlement hearing the site was previously approved for a 34-storey mix-used building and has subsequently been approved for a 58-storey mixed-use development.

[13] There are a few parks, open spaces and one planned park within the surrounding area of the Subject Site. Further east of the Subject Site is North Toronto Collegiate Institute and beyond that and approximately 1 kilometre ("km") away is the Athletic Field. West of the Subject Site and approximately 400 m is the Eglinton Park that contains baseball diamonds, soccer pitches, playground, an arena and community centre which

includes a swimming pool. In addition to these existing parks and open spaces the city plans to create a park at the northeast corner of Helendale Avenue and Duplex Avenue.

[14] As it relates to public transit, the Subject Site is very well served by the existing Major Transit Hub located at the Yonge-Eglinton intersection which is approximately 165 m south of the Subject Site and the future Mount Pleasant LRT station which is 685 m east of the Subject Site.

[15] In addition to the Major Transit Hub and future LRT station the Subject Site has quick access to several bus routes, public roadways, and pedestrian sidewalks.

[16] The Subject Site is well served by existing and planned transit as the Subject Site is within the Eglinton Station PMTSA. Mr. Goldberg stated that the Subject Site is within a “transit rich area”.

PROPOSED DEVELOPMENT

[17] As mentioned above the Appellant proposes to develop a 54-storey mixed-use tall tower. Below is a chart comparison of the May 2024 plans and the June 2025 Settlement Plans:

Site and Building Statistics		
	May 2024 Original Submission Plans	June 13, 2025 Settlement Plans
Site Area	1,244.5 sq. m. (0.30 ac.) (0.12 ha)	unchanged
Total Gross Floor Area (GFA)	33,430.5 sq. m.	33,018 sq. m.
Non-Residential GFA	272 sq. m.	292.7 sq. m.
Residential GFA	33,158.3 sq. m.	32,725.7 sq. m.
Floor Space Index (FSI)	26.9	26.5
Amenity Space		
Indoor Amenity Space	710 sq. m (1.74 sq. m. per unit)	694.2 sq. m. (1.78 sq. m. per unit)
Outdoor Amenity Space	635 sq. m (1.56 sq. m. per unit)	716.7 sq. m. (1.83 sq. m. per unit)
Height		
Podium Height	3-storeys (12.09 m)	3-storeys (12.09 m)
Total Building Height	56-storeys (177.1 m + 8.8 m MPH)	54-storeys (171.16 + 8.8 m MPH)
Tower Floor Plate	646.4 sq. m. (GCA)	650.93 sq. m. (GCA)
Parking		
Number of Vehicle Parking Spaces	3 (short-term PUDO)	4 (short-term PUDO)
Number of Bicycle Parking Spaces	461 (367 long term, 82 short-term, 12 visitor)	432 (353 long-term, 79 short-term, 10 visitor)
Unit Type	Total Units	
1 Bedroom	256 (62.9%)	244 (62.4%)
2 Bedroom	121 (29.7%)	117 (29.9%)
3 Bedroom	30 (7.4%)	30 (7.7%)
Total	407 (100%)	391 (100%)

[18] It is noted that the unit mix is subject to change, although the Appellant has committed to increasing the percentage of three-bedroom units to a minimum of 10 percent of the overall unit mix.

[19] The proposal incorporates a publicly accessible mid-block pedestrian connection at-grade, along the rear (west) side of the Subject Site. The connection is 3 m in width, accessed from Orchard View Boulevard between the Subject Site and the Library and provides pedestrian connection to the Whitehaus Condo's pedestrian connection through to Helendale Avenue.

[20] The Architectural Plans for the proposed development can be found from pages 11-29 of Exhibit 2. As shown on those plans, almost the entire Subject Site will house the three-storey podium in an “L” shape configuration, with at grade parking and type G loading being provided on the ground floor. The tower portion of the Proposed Development is located at the southeast corner of the podium, standing prominently at the corner of Yonge Street and Orchard View Boulevard, providing a 2.5 m and 2 m setback respectfully.

[21] Indoor and outdoor amenity spaces are offered on the 4 and 12 floors and includes pet amenities. Bicycle storage is provided on the basement level of the proposed development.

[22] Lastly the Proposed Development provides a 0.114 m setback from the north property line which abuts 2350 Yonge Street. The Appellant confirms that no windows will be placed on the north facing side of the Proposed Development up to the 12 floor. From the 13 floor and above, the north facing wall will contain windows and/or a “blank wall treatment” depending on the outcome of the 2350 appeal.

EVIDENCE AND FINDINGS

[23] Mr. Goldberg provided the Tribunal with in-depth oral, written, and visual evidence to support his opinion that the proposed development has appropriate regard for matters of provincial interest as defined by section 2 of the *Planning Act* (“Act”), is consistent with the Provincial Planning Statement 2024 (“PPS”), conforms with the City’s Official Plan (“OP”), including the Yonge-Eglinton Secondary Plan (“YESP”), includes conditions which are reasonable, has appropriate regard for City guidelines including the tall building design, planning for children in new vertical communities and pet friendly design guidelines and finally that the proposal represents good planning and is in the public interest to be approved.

[24] The above-mentioned planning documents affecting the ZBA have common themes, which are achieved through the application, including:

- i. Intensification through a compact, mixed-use, transit-supportive redevelopment of lands within the PMTSA and Avenues designated lands that is in very close walking distance to a variety of transit;
- ii. Offering a mix of residential units (1-3 bedroom) and commercial retail space;
- iii. Providing a mid-block pedestrian walkway;
- iv. Supplying indoor and outdoor pet amenities; and
- v. Having an appropriate and desirable urban design, including a smaller tower floor plate area and adequate tower separation from existing structures and property lines as well as providing planned architectural design treatments from adjacent sites with pending planning appeals.

[25] On the uncontested evidence of Mr. Goldberg, the Tribunal finds that the ZBA has regard for matters of provincial interest, is consistent with the PPS, conforms to the OP, has appropriate regard for applicable guidelines and that the conditions are reasonable.

ORDER

[26] **THE TRIBUNAL ORDERS THAT** the appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [27] below, and the Zoning By-law Amendment ("ZBA") set out in **Attachment 1** to this Interim Order, is hereby approved in principle.

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

1. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Executive Director, Development Review;
2. if required, provisions for a holding By-law pursuant to section 36 of the *Planning Act* are included in the ZBA regarding the provision of an acceptable sanitary system solution constructed and operational as determined by the Director, Engineering Review which may include the applicant obtaining Ministry of the Environment, Conservation and Parks Environmental Compliance Approval and upgrading the existing municipal infrastructure off site;
3. the owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated September 24, 2024, and any outstanding issues arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and the Director, Engineering Review;
4. the owner has satisfactorily addressed matters from the Urban Forestry memorandum dated September 20, 2024, or as may be updated, in response to further submissions filed by the owner, all to the satisfaction of Urban Forestry;
5. the owner has submitted to the Director, Engineering Review for review and acceptance, prior to approval of the ZBA, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from the proposed development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;

6. the owner shall make satisfactory arrangements and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the proposed development, according to the Functional Servicing Report accepted by the Director, Engineering Review;
7. in the agreement(s) referred to in Part 3(f) above, the owner will agree that prior to the issuance of any final permit(s) for the construction of any required off-site improvements, the owner will provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report to support the development, all to the satisfaction of the Director, Engineering Review, where it has been determined that improvements or upgrades are required to support the development; in requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with the City for work on the City's Right-of-Way;
8. the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
9. the owner has submitted an updated Pedestrian Level Wind Study, and where necessary incorporating any required mitigation measures in the Zoning By-law Amendment or otherwise implemented at Site Plan Control, to the satisfaction of the Executive Director, Development Review;
10. the owner has submitted architectural plans reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Development Review; and

11. the owner has submitted an updated complete Toronto Green Standards Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

[28] If the Parties do not submit the final drafts of the ZBA, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph [27] above have been satisfied, and do not request the issuance of the Final Order, by **Monday, June 1, 2026**, the Applicant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft ZBA and issuance of the Final Order by the Tribunal.

[29] 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 instrument(s), the satisfaction of the contingent prerequisites and the issuance of the Final Order.

“Kurtis Smith”

KURTIS SMITH
MEMBER

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

Draft ZBA: July 18, 2025

Authority: Ontario Land Tribunal decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal Case OLT-25-000062

CITY OF TORONTO

BY-LAW No. XXX-2025

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 2346 Yonge Street.

Whereas the Ontario Land Tribunal, by its Decision issued on [date], and Order issued on [date] in respect of Tribunal Case No. OLT-25-000062, approved amendments to the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2024 as 2346 Yonge Street; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to approve this By-law; and

The Ontario Land Tribunal, by Order approves as follows:

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, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of CR 3.0 (c2.0; r2.5) SS2 (x2433) to a zone label of CR 3.0 (c2.0; r2.5) SS2 (x####) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [####] so that it reads:

Exception CR (####)

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 the lands municipally known in the year 2024 as 2346 Yonge Street, if the requirements of By-law [Clerks to insert By-law ##] are

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complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (S) 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 166.86 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law [Clerks to supply By-law ##], inclusive of equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- (D) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, water supply facilities, safety elements, chimneys, pipes, vents, shafts, elevators, elevator machine rooms, cooling equipment, solar panels, parapets and a **green roof** and related structural, mechanical, enclosure and screening elements to a maximum of 4 metres;
 - (ii) **structures** and elements related to outdoor flooring and roofing assembly features to a maximum of 0.5 metres;
 - (iii) **structures** or ornamental features, may project above the permitted height limit for the mechanical penthouse as set out above to a maximum of 3.0 metres;
 - (iv) landscape features, trellises, privacy and decorative screens, terrace dividers, exterior stairs, ladders and fences to a maximum of 3.5 metres;
 - (v) **building** maintenance units and window washing equipment to a maximum of 3.0 metres; and
 - (vi) **structures** on any roof used for outdoor **amenity space** or open air recreation and maintenance, safety, wind protection or noise mitigation features to a maximum of 3.0 metres;

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- (E) For the purpose of this exception, a mezzanine does not constitute a storey;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 33,100 square metres comprised of;
 - (i) A maximum of 32,800 square metres may be used for residential uses; and
 - (ii) A minimum of 250 square metres may be used for non-residential uses
- (G) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
 - (i) at least 1.75 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.8 square metres for each **dwelling unit** as outdoor **amenity space**;
- (H) Despite Regulation 40.10.50.10(2), no fence is required along a **lot line** abutting a **lot** in the Residential Zone category;
- (I) Despite Regulation 40.10.50.10(3), no **soft landscaping** is required along a **lot line** abutting a **lot** in the Residential Zone category;
- (J) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply By-law ##];
- (K) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
 - (i) roof overhangs, balustrades, canopies, awnings, chimneys, cornices, eaves, guardrails, parapets, landscape and **green roof** elements, waste storage and **loading space** enclosures, lighting fixtures, ornamental elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, underground garage ramps, vents, wheelchair ramps, wind mitigation features and windowsills to a maximum of 3.0 metres;
 - (ii) Cladding added to the exterior surface of the **main wall** of a **building** by a maximum of 0.5 metres;

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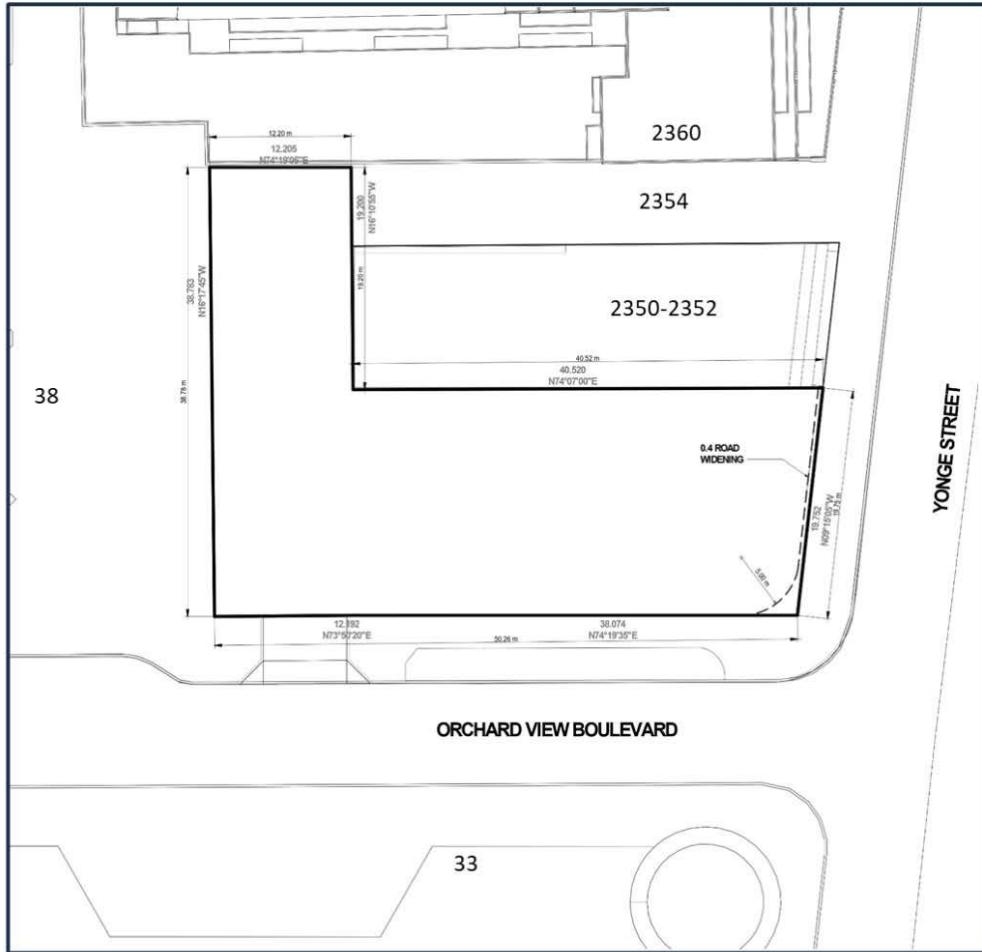
- (L) No balcony shall be permitted to project into the required minimum building setbacks and separation distance between main walls of buildings.
- (M) For the purposes of this exception, a pick-up and drop-off (PUDO) parking space is defined as a parking space located at-grade, available for the use of residents and visitors, for the purposes of short term, pick-up and drop-off related services.
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, 0 visitor **parking spaces** are required, and a minimum of 3 PUDO parking spaces are required to be provided and maintained on the **lot**;
- (O) Despite Regulation Table 200.15.15.4(3), a minimum of 1 accessible PUDO parking space of the spaces required in (M) above is required to be provided and maintained on the **lot**;
- (P) Despite Regulation 230.5.1.10(4), a **bicycle parking space or stacked bicycle parking space** may have a minimum width of 0.45 metres;
- (Q) Despite Regulation 230.5.1.10(9)(B), “long-term” **bicycle parking spaces** are permitted to be located on all levels of the **building and parking garage** both above and below ground;
- (R) Despite Regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement;
- (S) Despite Regulations 40.10.90(1) and 220.5.10.1, one Type ‘G’ **loading space** must be provided on the **lot**.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any existing or future consent, severance, partition, or division of the lands as shown on Diagram 1 of By-law [Clerks to insert By-law ##], the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.
- 6. Temporary use(s):
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales/leasing office for the purposes of marketing, rental, leasing and sale of **dwelling units** for a period of not more than 3 years from the date this By-law comes into full force and effect;

Pursuant to Ontario Land Tribunal Decision issued on [date], and Order issued on [date] in respect of Tribunal Case No. OLT-25-000062

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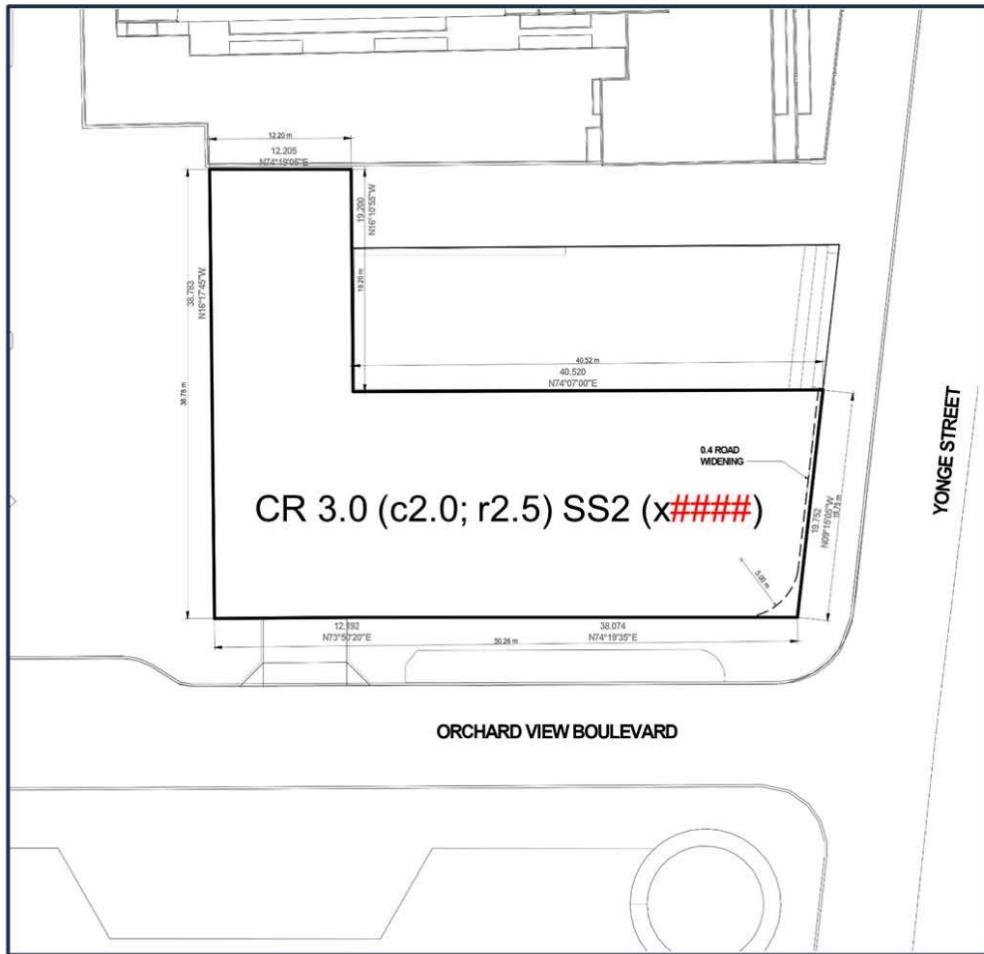


2346 Yonge Street

Diagram 1

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Not to Scale

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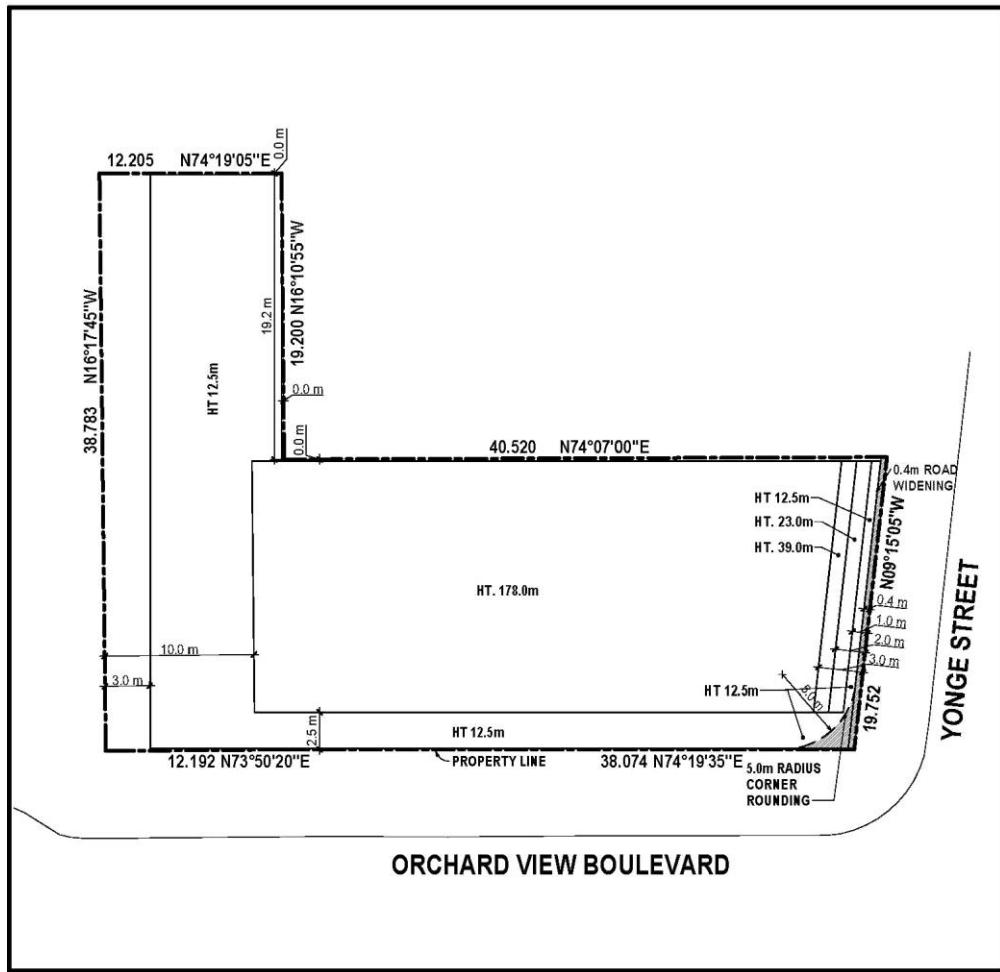


2346 Yonge Street

Diagram 2

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Not to Scale

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2346 Yonge Street

Diagram 3

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Not to Scale