

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** April 04, 2019

**CASE NO(S):** PL060668

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: 1212763 Ontario Limited & 1212765 Ontario Limited  
Subject: Request to amend the Official Plan - Refusal of request by City of Toronto  
Existing Designation: Industrial, District Retail  
Proposed Designated: Mixed Use  
Purpose: To permit development on the subject site  
Property Address/Description: 5555 Dundas Street West  
Municipality: City of Toronto  
Approval Authority File No.: 05 114554 WET 05 OZ  
OMB Case No.: PL060668-O060124  
OMB File No.: PL110757

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

Applicant and Appellant: 1212763 Ontario Limited & 1212765 Ontario Limited  
Subject: Application to amend Etobicoke Zoning Code - Refusal or neglect of City of Toronto to make a decision  
Existing Zoning: Industrial, District Retail  
Proposed Zoning: Mixed Use  
Purpose: To permit the mixed use development of 2,400 residential units and retail commercial space  
Property Address/Description: 5555 Dundas Street West  
Municipality: City of Toronto  
Municipality File No.: 05 114554 WET 05 OZ  
OMB Case No.: PL060668-O060124

OMB File No.: PL110758

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

Applicant and Appellant: Metro Ontario Inc.  
 Subject: Application to amend Etobicoke Zoning Code - Refusal or neglect of City of Toronto to make a decision  
 Existing Zoning: Industrial, District Retail  
 Proposed Zoning: Mixed Use  
 Purpose: To permit the mixed use development of 2,400 residential units and retail commercial space  
 Property Address/Description: 25 Vickers Road  
 Municipality: City of Toronto  
 Municipality File No.: 06 199605 WET OZ  
 OMB Case No.: PL060668-O060124  
 OMB File No.: PL111134

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

Applicant and Appellant: Metro Ontario Inc.  
 Subject: Application to amend Etobicoke Zoning Code - Refusal or neglect of City of Toronto to make a decision  
 Existing Zoning: Industrial, District Retail  
 Proposed Zoning: Mixed Use  
 Purpose: To permit the mixed use development of 2,400 residential units and retail commercial space  
 Property Address/Description: 5559 Dundas Street West  
 Municipality: City of Toronto  
 Municipality File No.: 06 199602 WET 05 OZ  
 OMB Case No.: PL060668-O060124  
 OMB File No.: PL111133

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

Appellant: 1212763 Ontario Limited & 1212765 Ontario Limited  
 Subject: Proposed Official Plan Amendment No. #156  
 Municipality: City of Toronto  
 OMB Case No.: PL060668-O060124

OMB File No.: PL110880

**Heard:** February 28 2019 and March 27, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

Metro Ontario Inc.

S. O'Melia (February 28, 2019)

1212763 Ontario Limited and  
1212765 Ontario Limited  
("Azuria Group")

M. Flynn-Guglietti

City of Toronto

M. Crawford (March 27, 2019)

**DECISION DELIVERED BY K.J. HUSSEY ON FEBRUARY 28, 2019 AND MARCH 27, 2019**

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**BACKGROUND IN BRIEF:**

[1] On March 27, 2012, the Parties listed above reached a settlement on Zoning By-law amendments which would facilitate the redevelopment of 5555 Dundas Street West and 10 Shorncliffe Road in the former borough of Etobicoke. The Board rendered an oral disposition allowing the appeals but withheld its order pending fulfillment of three conditions. One of the conditions, the execution and registration of the s. 37 Agreement remains outstanding.

[2] Following an enquiry by the Tribunal on the status of the outstanding condition, Azuria Group requested a Telephone Conference Call ("TCC"), which was scheduled on February 28, 2019.

**February 28, 2019**

[3] The City was not present at this TCC. The parties reported that the City had not responded to their enquiries on the outstanding matter and sought a further TCC, which was scheduled on March 27, 2019.

**March 27, 2019**

[4] The City and Azuria Group advised the Tribunal that they were making progress and were confident that a decision would be made on the outstanding Section 37 issue.

[5] The Case Coordinator is to be informed no later than 60 days following this TCC, on the status of the remaining condition.

[6] This is the order of the Tribunal.

*“K.J. Hussey”*

K.J. HUSSEY  
VICE CHAIR

If there is an attachment referred to in this document,  
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**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
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