

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 9, 2016

CASE NO(S): PL140905
PL141112
PL160215
PL160085

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

Appellant: 90 Eglinton West Limited
Appellant: Armel Corporation
Appellant: Skypod View Inc.
Appellant: Leaside Property Owners Association Incorporated
Appellant: Upper Village Investments Ltd.
Appellant: Solray Investments Limited
Appellant: Hullmark (313 Eglinton) Ltd.
Appellant: RioCan Holdings (Sunnybrook) Inc.
Appellant: White Bell Investments Limited
Appellant: Duffmits Holdings Inc.
Appellant: Gabriel Properties (2006) Inc.
Appellant: Avenue Road Eglinton Community Association (ARECA)
Subject: Proposed Official Plan Amendment No. OPA 253
Municipality: City of Toronto
OMB Case No.: PL140905
OMB File No.: PL140905
OMB Case Name: Armel Corporation v. Toronto (City)

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

Appellant: 346-350 Eglinton Avenue West Holdings Ltd.
Appellant: 352-356 Eglinton Avenue West Holdings Ltd.
Appellant: Solray Investments Limited
Appellant: Leaside Property Owners Association Incorporated
Appellant: Hullmark (313 Eglinton) Ltd.
Appellant: Armel Corporation
Appellant: Skypod View Inc.

Appellant: Gabriel Properties (2006) Inc.
 Appellant: Avenue Road Eglinton Community Association
 Appellant: Upper Village Investments Ltd.
 Subject: By-law No. 1030-2014
 Municipality: City of Toronto
 OMB Case No.: PL140905
 OMB File No.: PL141112

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

Appellant: Confederation of Resident and Ratepayer
 Associations in Toronto (CORRA)
 Subject: By-law No. 103-2016
 Municipality: City of Toronto
 OMB Case No.: PL140905
 OMB File No.: PL160215

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

Applicant and Appellant: RioCan Holdings (Sunnybrook) Inc.
 Subject: Application to amend the former Town of Leaside
 Zoning By-law - Neglect of the City of Toronto to make
 a decision
 Existing Zoning: Mixed Use Residential Commercial – site specific
 MRC-1 in the former Town of Leaside Zoning By-law
 and CR 1.2 (c0.4; r0.8) SS2 (x1164) under Zoning By-
 law 569-2013
 Proposed Zoning: Site Specific (To be determined)
 Purpose: To permit a mixed-use development
 Property Address/Description: 660 Eglinton Avenue East
 Municipality: City of Toronto
 Municipality File No.: 14 267342 NNY 26 OZ
 OMB Case No.: PL160085
 OMB File No.: PL160085
 OMB Case Name: RioCan Holdings (Sunnybrook) Inc. v. Toronto (City)

Heard: July 26, 2016, in Toronto, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
City of Toronto ("City")	S. Bradley*/ G. Whicher*
2401 Eglinton Avenue West Ltd.	Absent
90 Eglinton West Limited and Solray Investments Ltd.	J. Smuskowitz*
346-350 Eglinton Avenue West Holdings Ltd. and 352-356 Eglinton Avenue West Holdings Ltd.	C. Tanzola*
Armel Corporation	E. Costello*
Skypod View Inc. and Gabriel Properties (2006) Inc.	B. Ketcheson*
White Bell Investments Limited and Duffmits Holdings Inc.	M. Foderick*
Bateg Investments Ltd. and Upper Village Investments Ltd.	Absent
Hullmark (313 Eglinton) Ltd.	C. Higgs*
RioCan Holdings (Sunnybrook) Inc.	A. Benedetti*/ M. Noskiewicz*
Avenue Road Eglinton Community Association Incorporated ("ARECA")	P. Smyth/E. Denny
Leaside Property Owners Association Incorporated	G. Kettel
Confederation of Resident & Ratepayer Associations ("CORRA")	E. Denny

INTRODUCTION

[1] This was another Prehearing Conference (“PHC”) with regard to Official Plan Amendment No. 253 of the City (“OPA 253”), Zoning By-law No. 1030-2016 (“ZBA 1030”), and other related matters.

[2] In preparation for the PHC, the City had prepared a draft agenda which was of considerable assistance in dealing with all the matters before the Board.

[3] The Board mainly followed the City’s draft agenda in the PHC and the disposition of the matters.

2401 EGLINTON AVENUE WEST LIMITED

[4] The Board was in receipt of counsel’s letter of withdrawal of the appeals against OPA 253 and ZBA 1030 and the Board confirmed that those appeals are withdrawn.

PROPOSED SETTLEMENTS

[5] The Board was advised that there are five proposed settlements for OPA 253 and ZBA 1030 that will be forthcoming to the Board. Those settlements relate to the following parties:

- a. Solray Investments Ltd.
- b. Armel Corporation
- c. Skypod View Inc. and Gabriel Properties (2006) Inc.
- d. White Bell Investments Ltd. and Duffmits Holdings Inc.
- e. Hullmark (313 Eglinton) Ltd.

[6] The Board was further advised that the proposed settlements would result in certain revisions to OPA 253 and the withdrawal of appeals against ZBA 1030.

[7] The City will consult with the above noted parties for an agreed upon process to bring the settlements to the Board for adjudication.

STATUS REQUEST (LINDSAY LORIMER)

[8] The Board noted that participant status had been granted to a group of residents that support the City's OPA 253 and ZBA 1030 represented by Lindsay Lorimer. The Board is of the understanding that this group is considering incorporating and seeking party status. The Board directs that if the group wishes to seek party status, it should do so by way of a *viva voce* motion to be heard at the next PHC, with evidence of such incorporation.

FURTHER PREHEARING

[9] Prior to the November 21, 2016 hearing, the Board sets a further PHC for **October 12, 2016 at 10 a.m.:**

**Ontario Municipal Board (Toronto)
655 Bay Street, 16th Floor
Toronto, ON M5G 1E5**

[10] As the draft agenda prepared by the City was useful in this PHC, the Board directed that the City prepare and circulate to the parties and participants in advance of the October 12 PHC, a similar draft agenda, with a copy to the Case Coordinator. The Board would also anticipate that a draft Procedural Order and Issues List be prepared for that PHC.

[11] No further notice is required.

[12] I am not seized.

[13] Scheduling permitting, I may be available for case management purposes.

SITE-SPECIFIC MATTERS

[14] There were two site-specific appeals to the Board with requests for consolidation to be heard at the hearing of November 21, 2016. Those appeals were by RioCan Holdings (Sunnybrook) Inc. (for its property at 660 Eglinton Avenue West), and 346-350 Eglinton Avenue West Holding Ltd. and 352-356 Eglinton Avenue West Holdings Ltd. for the properties noted in the corporate names.

[15] The Board will deal with each separately.

RIOCAN – OMB CASE NO. PL160085

[16] This was the first PHC for the RioCan matter.

[17] The Board was first requested to consolidate this appeal with the OPA 253 hearing, and the Board so ordered.

[18] The Board was then asked to set a mediation date in accordance with some requested dates by RioCan and the City. The Board noted that the requested dates by the parties were not available on the Board's calendar. Thus, the Board left it to the parties to determine how they wish to proceed with regard to mediation.

[19] During the course of this PHC, the Board had one request for party status, and five requests for participant status. Upon consent, the Board granted party status to the Leaside Property Owners Association Incorporated, and participant status to David Sprague, Heather Mitchell, A. Brueckner, Marney Charles, and Linda Martin.

[20] With regard to a further PHC, the Board will utilize the date of Wednesday October 12, 2016, and this matter will be added to the agenda for that date.

[21] There will be no further notice with regard to this matter.

[22] I am not seized.

346-350 AND 352-356 EGLINTON AVENUE – OMB CASE NO. MM160039

[23] 346-350 Eglinton Avenue West Holdings Ltd. and 352-356 Eglinton Avenue West Holdings Ltd. are appellants on OPA 253. Terranata Developments Inc. is the developer of the two properties.

[24] A site-specific development application had been filed with the City and now appealed to the Board.

[25] Counsel sought consolidation of the site-specific appeal with the hearing on OPA 253. The Board so ordered.

[26] Counsel also sought a first PHC. The Board will add this matter to the PHC that is set for October 12, 2016.

[27] As no notice, as of yet, has gone out to the public, the Board's Case Coordinator will communicate with counsel with directions for public notice of this matter.

[28] I am not seized.

CORRA

[29] Counsel for the City raised the question of the status of Confederation of Resident & Ratepayer Associations ("CORRA") with regard to OPA 253 and ZBA 1030. This Board member has reviewed the files and finds that the previous panel of the Board in both a Decision and an Order dismissed the CORRA appeals. Further, this Board member has reviewed the s. 43 request for review, which was denied by the Board. Thus, the decisions of the previous panel of the Board stand.

ARECA

[30] Counsel for the City also raised the question as to the status of Avenue Road Eglinton Community Association ("ARECA") in light of the previous decisions concerning CORRA. This Board member has reviewed the files and observed no specific finding or reference to ARECA.

[31] If the City wishes to proceed on that matter, it may consider a motion to be prepared and served in accordance with the Board's *Rules of Practice and Procedure*.

ZBA NO. 1030-2016 – OMB CASE NO. PL160215

[32] The City passed Zoning By-law No. 1030-2016. An appeal was filed by CORRA.

[33] The City filed with the Board a motion record seeking an Order to dismiss the CORRA appeal, and to be heard at this PHC.

[34] At the PHC, counsel for the City indicated that CORRA had requested an adjournment, and that he was agreeable to the adjournment of the motion to the PHC of October 12, 2016.

[35] Ms. Denny on behalf of CORRA consented to the adjournment, and stated that she had her Reply completed but the affidavit needed to be sworn.

[36] The Board directed that the Reply by CORRA shall be served and filed within one week and noting the statutory holiday in August, the Board sets the date for Tuesday, August 2, 2016, at 4:30 p.m. for the completion of the serving and filing of the Reply.

[37] On the consent of the parties, the Board adjourns the City motion with regard to the CORRA appeal to the PHC of October 12, 2016.

[38] I am not seized.

[39] No further notice is required.

[40] Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

[41] Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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