

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** February 23, 2017

**CASE NO.:**

PL140905  
MM160039

**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: Upper Village Investments Ltd.  
Appellant: RioCan Holdings (Sunnybrook) Inc.  
Subject: Proposed Official Plan Amendment No. OPA 253  
Municipality: City of Toronto  
OMB Case No.: PL140905  
OMB File No.: PL140905  
OMB Case Name: RioCan Holdings (Sunnybrook) Inc. 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: 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 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Subject: Site Plan  
Referred by: Terranata Developments Inc.  
Property Address/Description: 346, 350, 352 & 356 Eglinton Avenue West  
Municipality: City of Toronto  
OMB Case No.: MM160039  
OMB File No.: MM160039

OMB Case Name: Terranata Developments 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:	Terranata Developments Inc.
Subject:	Application to amend Zoning By-law No. 438-86 and City-wide Zoning By-law No. 569-2013 - Neglect of the City of Toronto to make a decision
Existing Zoning:	MCR under By-law No. 438-86 and CR under Proposed City wide By-law No. 569-2013
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a fifteen-storey mixed-use building
Property Address/Description:	346, 350, 352 & 356 Eglinton Avenue West
Municipality:	City of Toronto
Municipality File No.:	15 214446 NNY 16 OZ
OMB Case No.:	MM160039
OMB File No.:	PL160568

**Heard:** February 13, 2017 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

City of Toronto ("City")

S. Bradley/ G. Whicher

346-350 Eglinton Ave. W. Holdings Ltd.

D. Artenozi

352-356 Eglinton Ave. W. Holdings Ltd. ("Terranata")

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR AND ORDER OF THE BOARD**

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**INTRODUCTION**

[1] Arising out of the fifth Pre-hearing Conference ("PHC") concerning the City's Official Plan Amendment 253 ("OPA") and Zoning By-law 1030-2014 ("ZBA") held on

November 14, 2016 were the appeals by Terranata relating to its lands at 346, 350, 352 and 356 Eglinton Avenue West (“Subject Lands”).

[2] In November 2016, the Board had been advised that the parties had agreed to Board led mediation, which was imminent.

[3] The Board, in light of the mediation, had set this PHC for an update on the status of the appeals.

## **UPDATE**

[4] The Board was advised that no settlement had resulted from the mediation and that the revised development proposal was under review by Terranata.

[5] The Board was requested to set a further PHC for this matter in June or early July 2017.

[6] The purpose of such a further PHC would be if necessary to set a hearing date (likely for about 10 days) and to set a Procedural Order with Issues List.

## **PARTICIPANTS**

[7] At this PHC, the Board had additional requests for participant status from John O’Sullivan, Julia Fisher, Ian Gregoire, and Shelly Ortved on behalf of Oriole Park Association.

[8] On consent of the parties, all were granted participant status with the notation that Ms. Ortved would provide the incorporation documentation for the Oriole Park Association to the Case Coordinator, and in which event the participant status would revert to the corporate association.

**VERBAL MOTION**

[9] Eileen Denny sought to bring a verbal motion before the Board seeking the reinstatement of the party status for the Avenue Road Eglinton Community Association (“ARECA”).

[10] As no notice of this verbal motion had been provided, the Board sought submissions from the parties with regard to the proposed verbal motion.

[11] Counsel for the parties submitted that as this was new to them, and as the Board would be setting down a further PHC, that a written motion in compliance with the Board’s *Rules of Practice and Procedure* should be brought, and that the Board could deal with that motion at the further PHC.

[12] Ms. Denny confirmed that she could bring such a motion.

[13] The Board indicated that if such a motion were brought, it would be added to the agenda for the next PHC.

**NEXT PHC**

[14] The Board set the next PHC by appearance in this matter for **Thursday, July 6, 2017 at 10 a.m. at:**

**Ontario Municipal Board  
655 Bay Street, 16<sup>th</sup> Floor  
Toronto, ON M5G 1E5**

[15] The Board directs that the parties shall provide to the Case Coordinator prior to the PHC, a draft Procedural Order with a draft Issues List for consideration at the PHC.

[16] The Board directs that a motion with regard to party status for ARECA if brought in accordance with the Board's *Rules of Practice and Procedure* will form part of the agenda for the PHC.

[17] There will be no further notice.

[18] I am not seized of this matter.

*"Blair S. Taylor"*

BLAIR S. TAYLOR  
MEMBER

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please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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