

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



**ISSUE DATE:** September 28, 2017

**CASE NO(S):** PL140905

**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. and others  
**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 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)  
**Appellant:** Swansea Area Ratepayer's Group  
**Subject:** By-law No. 1031-2014  
**Municipality:** City of Toronto  
**OMB Case No.:** PL140905  
**OMB File No.:** PL141113

BEFORE:

BLAIR S. TAYLOR  
MEMBER

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Thursday, the 28<sup>th</sup> day  
of September, 2017

**THIS MATTER** having come before the Board on October 12, 2016, for a motion brought by the City for an Order of the Board approving agreed modifications of the Official Plan Amendment No. 253, pursuant to Subsection 17(50) of the *Planning Act*,

**THE BOARD** having considered the affidavit of Brian Gallaughter, dated September 29, 2016 and is satisfied to issue its Order in accordance with Exhibit 3 and in the manner set out in Attachment 1 to this Order.



SECRETARY

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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ATTACHMENT 1

OMB Case No. PL140905  
PL141112  
PL141113

**Ontario Municipal Board**

**IN THE MATTER OF** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: 2401 Eglinton Avenue West Ltd. et. al.  
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)

**IN THE MATTER OF** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: 2401 Eglinton Avenue West Ltd. et. al.  
Subject: By-law 1030-2014  
Municipality: City of Toronto  
OMB Case No.: PL140905  
OMB File No.: PL141112

**IN THE MATTER OF** 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)  
Appellant: Swansea Area Ratepayer's Group  
Subject: By-law 1031-2014  
Municipality: City of Toronto  
OMB Case No.: PL140905  
OMB File No.: PL141113

**ORDER**

**WHEREAS** Toronto City Council adopted Official Plan Amendment No. 253 at the council meeting held on July 8, 9, 10 and 11, 2014, and passed Zoning By-law No. 1030-2014 at the council meeting held on August 25, 26, 27 and 28, 2014;

**AND WHEREAS** appeals were filed in respect of Official Plan Amendment No. 253 and Zoning By-law No. 1030-2014 by various parties;

**AND WHEREAS** at the prehearing held in these matters on July 26, 2016, counsel for the City advised the Board that:

1. based upon revisions to Section 4 of Official Plan Amendment No. 253, as now set out in in Appendix “A” to this Order, the City had reached an agreement with the appellants Solray Investments Ltd., Armel Corporation, Skypod View Inc., Gabriel Properties (2006) Inc., and Hullmark (313 Eglinton) Ltd.; and
2. based upon revisions to Section 6 of Official Plan Amendment No. 253, as now set out in in Appendix “B” to this Order, the City had reached an agreement with the appellants White Bell Investments Ltd. and Duffmits Holdings Inc.;

**AND WHEREAS** in its Decision and Order dated August 9, 2016, arising from the July 26, 2016 prehearing, the Board noted it had been advised “that there are five proposed settlements for OPA 253 and ZBA 1030 that will be forthcoming to the Board,” which “would result in certain revisions to OPA 253 and the withdrawal of appeals against ZBZ 1030,” and that the “City will consult with the above noted parties for an agreed upon process to bring the settlements to the Board for adjudication;”

**AND WHEREAS** the City has therefore now brought a Motion to the Board, heard on October 12, 2016, pursuant to subsection 17(50) of the *Planning Act* for the approval of the agreed modifications to Official Plan Amendment No. 253;

**AND WHEREAS** the City has filed the Affidavit of Brian Gallagher, dated September 29, 2016, in support of its Motion;

**AND WHEREAS** counsel for each of Solray Investments Ltd., Armel Corporation, Skypod View Inc., Gabriel Properties (2006) Inc., White Bell Investments Ltd., Duffmits Holdings Inc., and Hullmark (313 Eglinton) Ltd., have consented to the following Order to implement the proposed settlement and have confirmed they will withdraw their respective appeals of Zoning By-law No. 1030-2014;

**AND WHEREAS** counsel for 90 Eglinton West Limited has not consented to the proposed settlement applying to their client's site at 90 Eglinton Avenue West;

**AND WHEREAS** counsel for 346-350 Eglinton Avenue West Holdings Ltd., 352-356 Eglinton Avenue West Holdings Ltd., and Terranata Developments Inc. has not consented to the proposed settlement applying to their client's site at 346-356 Eglinton Avenue West;

**AND WHEREAS** counsel for Upper Village Investments Limited and Bateg Investments Limited has not consented to the proposed settlement applying to their clients' site at 859 to 875 Eglinton Avenue West;

**THE BOARD THEREFORE ORDERS** that:

1. As of the date of this Order and in accordance with the powers granted to it under section 17(50) of the *Planning Act*, R.S.O. 1990, c. P .13, as amended,
  - a. Subparagraph (k) of Site and Area Specific Policy 476 as set out in Section 4 of Official Plan Amendment No. 253 as adopted at the Toronto City Council meeting held on July 8, 9, 10 and 11, 2014, is hereby modified in the form attached hereto as Appendix "A" to this Order, and
  - b. Section 4 of Official Plan Amendment No. 253, as so modified, is approved and declared to be in force for all of the lands to which it applies with the exception of, and without prejudice to:
    1. the site at 90 Eglinton Avenue, which continues to be subject to the appeal by West 90 Eglinton West Limited;
    2. the site at 346 to 356 Eglinton Avenue West, which continues to be subject to the appeal by 346-350 Eglinton Avenue West Holdings Ltd., 352-356 Eglinton Avenue West Holdings Ltd., and Terranata Developments Inc.; and
    3. the site at 859 to 875 Eglinton Avenue West, which continues to be subject to the appeal by Upper Village Investments Limited and Bateg Investments Limited.

2. As of the date of this Order and in accordance with the powers granted to it under section 17(50) of the *Planning Act*, R.S.O. 1990, c. P .13, as amended,
  - a. Section 6 of Official Plan Amendment No. 253 as adopted at the Toronto City Council meeting held on July 8, 9, 10 and 11, 2014, is hereby modified in the form attached hereto as Appendix "B", and
  - b. Section 6 of Official Plan Amendment No. 253, as so modified, is approved and declared to be in force for all of the lands to which it applies.
3. Each Appendix which is attached to this Order shall form part of this Order.
4. The Board may be spoken to should any matters arise respecting the implementation of this Order.

## Appendix "A" To Board Order

Subparagraph (k) of Site and Area Specific Policy 476 as set out in Section 4 of Official Plan Amendment No. 253 as adopted at the Toronto City Council meeting held on July 8, 9, 10 and 11, 2014, is hereby modified by replacing:

The conveyance of land to the City for new and/or extended public laneways or provision of an easement for public access over an existing private laneway, will be required for nominal consideration from property owners as a condition of subdivision, severance, rezoning, minor variance, condominium or site plan approvals.

with the following:

The conveyance of an interest in land to the City for new and/or extended public laneways or provision of an easement for public access over an existing private laneway, may be required for nominal consideration from property owners as a condition of subdivision (including a consent to sever), rezoning, condominium approval or, where reasonably appropriate, minor variance or site plan approvals.

In addition, a new sidebar to Site and Area Specific Policy 476(k) is inserted as follows:

An interest in land may include, but is not limited to, the acquisition of a surface easement for public laneway purposes, allowing the lands above and below the easement to be used for development purposes, including underground parking, balconies, etc. In considering whether to require the conveyance of an interest in lands as a condition of development approval, Council will have regard to the type of application, the nature of the development proposal and the locational circumstances applying to the development site and adjacent lands in order to determine whether a conveyance is appropriate.

## Appendix "B" To Board Order

Section 6 of Official Plan Amendment No. 253, as adopted at the Toronto City Council meeting held on July 8, 9, 10 and 11, 2014, is modified to state:

6. Chapter 7, Site and Area Specific Policies including Map 28, is amended by adding Site and Area Specific Policy No. 477 as follows:

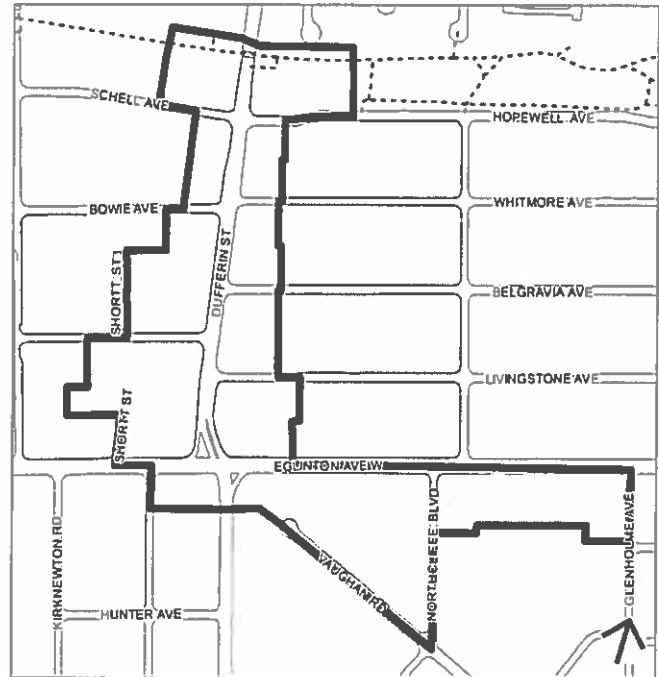
**"477. Certain Lands in the vicinity of Eglinton Avenue West and Dufferin Street**

- (a) Development on the lands will be supported by transportation infrastructure as relevant to any individual site:
- (i) new and improved pedestrian connections to the future Crosstown LRT station entrances;
  - (ii) improved pedestrian connections to St. Thomas Aquinas School, Fairbank Middle School and Fairbank Memorial Park;
  - (iii) greater setbacks along the east side of Dufferin Street from Eglinton Avenue to the Beltline trail to provide wider sidewalks and improve the public realm; and
  - (iv) cycling connections to the Beltline Trail including a two-way cycling connection along Locksley Avenue and Northcliffe Road connecting the Beltline with Vaughan Road.
- (b) On lands where the following may be located, the enactment of any amendment to the zoning by-law to permit residential units is conditional upon the prior or concurrent adoption by Council of a Transportation Study that:
- (i) considers the extension of Shortt Street between Eglinton Avenue West and Ramsden Road; and



- (ii) considers eliminating the jog between Locksley Avenue and Northcliffe Boulevard and redesigning the intersection to improve pedestrian and cycling connections.
- (c) To support a balanced mix of uses, new development on the lands will:

- (i) generally maintain the amount of existing non-residential gross floor area on the lands; and
- (ii) include a range of retail establishment sizes.



- (d) On lands where the following may be located, development on the lands will enhance the public realm as follows:
  - (i) create a high quality civic plaza at the main entrance to the Crosstown LRT station; and
  - (ii) enlarge and redesign St. Hilda's parkette so that it is integrated with the Crosstown LRT station entrance and improves the pedestrian connection to Vaughan Road.
- (e) Development on the lands will:
  - (i) maintain the main street character of Dufferin Street and Eglinton Avenue West including retail uses on the ground floor;
  - (ii) provide appropriate transition in scale between new development and existing nearby *Neighbourhoods*;

- (iii) incorporate tall buildings at the intersection of Eglinton Avenue West and Dufferin Street that generally implement the Tall Buildings Guidelines and provide adequate transition in scale to adjacent mid-rise and low-rise buildings. For the balance of the area, development will be predominately mid-rise.;
  - (iv) for the lands within the view terminus at the northeast and southwest quadrants of the Dufferin Street and Eglinton Avenue West intersection caused by the jog along Dufferin Street when travelling north and south along Dufferin Street, a high quality of urban design shall be required to enhance these terminus views;
  - (v) increase pedestrian space by providing greater setbacks at each of the four corners of Dufferin Street and Eglinton Avenue and particularly on the north west corner; and
  - (vi) incorporate the City-owned parking lot in the redevelopment of the northwest quadrant of the Dufferin Street and Eglinton Avenue intersection subject to suitable arrangements being made for replacement of this public parking.
- (f) Development on the lands will provide enhanced community services and facilities such as new, non-profit licensed child care facilities, new parks and open space, improvements to Fairbank Memorial Park and community agency space. Such services and facilities will be secured through appropriate agreements or permits, including Sections 37 and 45 of the *Planning Act*, a Development Permit System, approval of Plans of Condominium and Subdivision and parkland dedication polices."