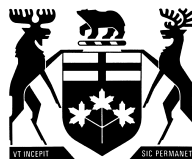


Jul. 30, 2008



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL030412

PL030514

PL060106

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Minister of Municipal Affairs and Housing to approve in part, the new Official Plan for the City of Toronto, as adopted by By-law 1082-2002, to provide policy direction in the six municipalities of the former Metropolitan Toronto

MMAH File No. 20-OP-2002

OMB File Nos. See Schedule "1"

Harbour Remediation and Transfer Inc., Ontario Realty Corporation, Royal Canadian Yacht Club, and others, have appealed to the Ontario Municipal Board, under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Toronto to approve Proposed Amendment No. 257 to the Official Plan of the City of Toronto to redesignate lands identified as the Central Waterfront

O.M.B. File No. O030096

O.M.B. Case No. PL030514

Queen's Quay Investments Incorporated, Michael Gregg, Tate & Lyke Canada Limited, and others, have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 1049-2006 of the City of Toronto

O.M.B. File No. R060297

O.M.B. Case No. PL030514

Schedule "1"

APPEALS TO THE CITY OF TORONTO NEW OFFICIAL PLAN

No.	Sched	APPELLANT NAME	O.M.B. FILE No.
6	B	640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited	O030201
16	E	1255870 Ontario Limited	O030213
27	B	Avro Quay Limited	O030146
39	B	Canadian Tire Real Estate Limited (Lakeshore Boulevard)	O030181
42	B	Castan Waterfront Developments Inc.	O030219
66	E	Harbour Remediation and Transfer Inc.	O030138
68	B	Home Depot of Canada Inc. (Lakeshore Boulevard)	O030275
77	E	Lafarge Canada Inc.	O030167
81	B	Malibu Investments Inc.	O030215
99	D	Ontario Power Generation	O030121
100	B	Ontario Realty Corporation	O030258
101	E	Ontario Realty Corporation and Hydro One	O030238
106	B	Plazacorp Properties Limited (620 Fleet Street)	O030209
146	B	Wittington Properties Limited (Bathurst Street)	O030228

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
City of Toronto	B. Ketcheson and R. Balfour
Castan Waterfront Developments Inc.	C. J. Williams
Home Depot of Canada Limited	C. J. Williams for S. Zakem
640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited	C. Lantz
Redpath Sugar Ltd.	C. Lantz
Malibu Investments Inc.	C. Lantz
Toronto Waterfront Revitalization Corp.	M. Stewart and A. Leibel
Toronto Economic Development Corporation	A. Jeanrie
Queen's Quay Investments Inc. and A Small Street in Toronto Inc. and Gemess Investments Inc.	M. Flowers
Kintork (Ontario) Limited, Nuko Investments Limited, 1079744 Ontario Limited and Ontario Film and Television Studio Owners Association	M. Flowers
Toronto Disaster Relief Committee	M. Shapcott, Agent
LaFarge Canada Inc., Toronto Film Studios Inc. and Ontario Realty Corporation	S. Leisk
Ontario Realty Corporation	Q. R. Hanna
1132165 Ontario limited and 134665 Ontario Limited	N. Macos

Royal Canadian Yacht Club

T. Barlow

Pier 27 Toronto Inc.

C. J. Tanzola

Participants

Toronto Region Conservation Authority

S. Heuchert, Agent

**MEMORANDUM OF ORAL DECISION FROM A PREHEARING CONFERENCE
HELD JULY 28, 2008 DELIVERED BY D. R. GRANGER AND ORDER OF THE
BOARD**

This is a pre-hearing conference regarding all phases of the hearing of appeals of the Central Waterfront Secondary Plan.

These procedures relate to the management of the appeals from a decision of the City of Toronto (City) to approve a proposed amendment to the applicable City of Toronto Official Plan (OPA 257) on April 30, 2003, to redesignate lands identified as the Central Waterfront.

Consolidated with these appeals are appeals from a decision of the Minister of Municipal Affairs and Housing (MMAH) to approve, in part, the New Official Plan (New OP) for the City of Toronto related to the Central Waterfront.

The appeals of By-law 1049-2006 (By-law) enacted by the City on September 27, 2006 to implement the East Bayfront – West Precinct Plan area are also consolidated with the above noted appeals.

Counsel for the City updated the parties regarding the settlement of the remaining appeals related to the East Bayfront – West Precinct. Archaeological and heritage issues, save a site-specific issue related to Victory Soya Mills, have been resolved and the appeal and party status of M. Gregg is withdrawn at his request as set out in correspondence dated March 20, 2008.

Counsel for the City confirmed agreement between the parties not to schedule a fall hearing to address outstanding appeals related to the East Bayfront – West Precinct

noting that progress is being made in the final resolution of noise issues related to Redpath. He requested that a fall pre-hearing conference be convened to provide a further update in that regard.

Counsel for the City confirmed that the revised schedule to address the next phase of appeals in accordance with the City's and Waterfront Toronto's timing commitments set out in Exhibit No. 20 are all on track.

Council for Pier 27 Toronto Inc. requested the modification of two outstanding issues, 161 and 163, and the addition of one issue related to the right-of-way width proposed for Queen's Quay East. There was no objection and the Board confirms the amendments and addition.

In light of the number of resolutions of issues to date, Counsel for the City agreed to undertake the circulation of a revised outstanding issue list for finalization at the next pre-hearing conference.

Counsel for the City then proceeded to address the final settlement and disposition of appeals related to the Fort York Neighbourhood secondary planning area and presented a sworn affidavit of City senior planner, G. Rogalski, as Exhibit No. 22 as further amended by Exhibit No. 22a.

The City submitted that Board Decision/Order 3227 issued December 9, 2005 heard evidence regarding the Fort York Neighbourhood noting that the existing Part II Official Plan for Bathurst/Strachan, now known as the Fort York Neighbourhood, obligations continue to prevail. He reaffirmed that point. He confirmed the intent to now approve the Secondary Plan as part of the New OP thus removing any necessity of continuing to rely on the former City OP for a fully settled area now undergoing significant redevelopment.

The affidavit by Mr. Rogalski included confirmation that approving the addition of the Fort York Secondary Plan, as set out in Exhibit No. 22 (Exhibit "B"), and further amended by Exhibit No. 22a, to the New OP recognizes the Board's previous approvals of amendments to the former City OP, namely the Part II Plan, and recognizes the

Board's approval of New OP Amendment No. 12 as modified. No other evidence was proffered.

Having considered the previous evidence and opinion presented by City planner A. Cranston and resulting findings of the Board in its Decision/Order 3227 issued December 9, 2008, together with the affidavit evidence of Mr. Rogalski, that was not contradicted by any other evidence, and submissions by counsel for the City, the Board finds that the approval and addition of the Fort York Neighbourhood Secondary Plan to the New OP is just and proper and represents good planning.

With the full consent of the parties and at the request of counsel for the City, the Board Orders that the new Official Plan for the City of Toronto as adopted by By-law 1082-2002, is amended to include the Fort York Neighbourhood Secondary Plan as set out in Exhibit "B" of Exhibit No. 22 as further amended by Exhibit No 22a, and as amended is approved. Counsel for the City will secure any resulting appeal withdrawals from the appropriate parties and forward same to the Board.

With the full consent of the parties and as requested by counsel for the City, the Board directs the following:

1. The next pre-hearing conference is scheduled for **Friday, October 17, 2008 at 10:00 a.m.** at the **Ontario Municipal Board, 655 Bay Street, 16th Floor, Toronto**. The agenda for this pre-hearing conference will include the following:
 - a) The presentation of any settlements. The Board may be spoken to with respect to accommodating earlier dates to address matters that have been fully settled between the parties.
 - b) The setting of a final hearing date, length and outstanding issues for the East Bayfront (West) Precinct.
 - c) To hear updates from all parties affected by the agreed North Keating Precinct planning processes as set out in Exhibit No. 20 and address

preliminary procedural matters leading up to a hearing of the related appeals anticipated to commence in February 2010.

2. No further notice is required.
3. This Board Member continues to be seized of all appeals related to the Central Waterfront Secondary Plan.

The Board so Orders.

“D.R. Granger”

D. R. GRANGER
VICE-CHAIR