

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



**ISSUE DATE:** February 4, 2015

**CASE NO(S):** PL130885

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

Appellant:	1026046 Ontario Limited
Appellant:	Paul Chomik
Appellant:	Peggy Moulder
Appellant:	Shoreline Towers Inc.
Subject:	Proposed Official Plan Amendment No. 197
Municipality:	City of Toronto
OMB Case No.:	PL130885
OMB File No.:	PL130885

Heard: December 19, 2014 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

City of Toronto

L. Forder\*, S. Haniford\*

Peggy Moulder

W. Roberts\*

Shoreline Towers Inc. and 1026046  
Ontario Limited

P. Patterson\*, P. Morley\*

Mimico Lakeshore Network

M. Gerwin, J. Rutledge

Toronto and Region Conservation  
Authority

M. Rapus

Lakeshore Planning Council

P. Chomik, T. Dobson

**DECISION DELIVERED BY C. CONTI AND ORDER OF BOARD**

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[1] This is the decision resulting from a prehearing conference (“PHC”) regarding multiple appeals of City of Toronto Official Plan Amendment No. 197, through which the Mimico by the Lake Secondary Plan would be applied to an area on the shoreline of Lake Ontario, south of Lakeshore Boulevard West in the western part of the City of Toronto.

[2] At the beginning of the proceeding, Mary Bella requested participant status on behalf of the Mimico Residents Association. She indicated that the association is an incorporated body that has an interest in the appeal. Participant status was granted on consent.

[3] The Board heard that through the Board mediation which is on-going, the parties have agreed to split the hearing into two parts. The first part is intended to deal with policy issues related to the Secondary Plan. The second part is intended to deal with the site specific appeal of Shoreline Towers Inc. and 1026046 Ontario Limited (“Shoreline Towers”) and with issues related to the proposed Shoreline Road within precinct B where the Shoreline Towers property is located. While Shoreline Road is proposed to extend beyond precinct B, the parties have agreed that evidence related to the road within precinct B can be raised in part 2.

[4] The parties requested that the first two weeks of the three week hearing which had been scheduled to commence on February 23, 2015 be released except for the first day. They requested that February 23<sup>rd</sup> be retained on the Board’s schedule to deal with any motions that might come forward.

[5] The parties requested that the last week of the scheduled hearing, commencing on March 9, 2015 be retained for part 1 of the hearing. They proposed that two weeks should be scheduled for part 2 commencing on November 16, 2015. They also requested that the Board schedule another PHC for June 29, 2015 to deal with matters related to part 2.

[6] The parties indicated that they are working to finalize the Procedural Order and intend to submit the final version to the Board by January 23, 2015. This Procedural Order will contain specific provisions for part 1 of the hearing and general provisions for part 2. Another Procedural Order with specific provisions for part 2 will be prepared after the conclusion of part 1 of the hearing.

[7] The parties also indicated that they would be seeking dates for further mediation, one prior to part 1 of the hearing and others prior to the PHC for part 2.

[8] All parties expressed agreement with the above.

[9] Martin Gerwin requested that the Mimico Lakeshore Network be included in the mediation sessions. The Board indicated that all parties are eligible to be included in mediation, but the detailed arrangements for each mediation session are left to the mediator.

[10] After hearing the submissions, the Board agreed to split the hearing in two parts as indicated above. The Board released the hearing dates from February 24, 2015 to March 6, 2015 inclusive.

[11] Another PHC was scheduled for Monday, February 23, 2015 at 10 a.m. at the Board offices to deal with any motions that may come forward. The parties are to inform the Board if this PHC is not required or if it should be converted to a telephone conference call.

[12] Part 1 of the hearing will deal with policy issues regarding the Secondary Plan and was scheduled for one week to commence on Monday, March 9, 2015 at 10 a.m. at the Board offices.

[13] A PHC was scheduled for June 29, 2015 commencing at 10 a.m. at the Board offices to deal with matters regarding part 2 of the hearing.

[14] Part 2 of the hearing will deal with site specific issues regarding the appeal of Shoreline Towers and with issues regarding the proposal for Shoreline Road within precinct B. Part 2 of the hearing was scheduled for two weeks commencing on Monday, November 16, 2015 at 10 a.m. at the Board offices.

[15] Subsequent to the conclusion of the PHC, the Board received the final Procedural Order for part 1 of the hearing which has the parties consent. The Board adopts the Procedural Order which is attached to this decision.

[16] The parties are to contact the Board's case worker to schedule any additional mediation that may be required.

[17] The Member is not seized but will continue case management of this appeal subject to the requirements of the Board's hearing calendar. The Member can be spoken to if necessary.

[18] No further notice is required.

*"C. Conti"*

C. CONTI  
MEMBER

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario

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## ONTARIO MUNICIPAL BOARD

Appellant: 1026046 Ontario Limited  
 Appellant: Shoreline Towers Inc.  
 Appellant: Paul Chomik (Lakeshore Planning Council)  
 Appellant: Peggy Moulder

Subject: Proposed Official Plan Amendment No. 197

Legislative Authority: Subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Municipality: City of Toronto

OMB Case No.: PL130885  
 OMB File No.: PL130885

### DRAFT PROCEDURAL ORDER (Jan 28, 2015)

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

#### **Organization of the Hearing**

2. (a) The hearing of the appeals in connection with this matter will be divided into two phases as follows:

Phase I Hearing: Appeals of Peggy Moulder and Paul Chomik (Lakeshore Planning Council)

Phase II Hearing: i) Site Specific Appeals of:

Shoreline Towers Inc. (2313-2323 Lake Shore Blvd. West)  
 1026046 Ontario Limited (2491 Lake Shore Blvd. West)

ii) Appeals of P Moulder and P Chomik (Lakeshore Planning Council) relating to the appropriateness of a shoreline road within Precinct B of OPA 197;

(b) The Appellant's, Peggy Moulder and Paul Chomik, together with the City will identify the parts of OPA 197 that are not at issue and the City will so advise the Board and all other Parties in writing. Peggy Moulder and Paul Chomik will, through written communication to the Board and to all other Parties, confirm their concurrence and withdraw their respective appeals in connection with the parts of OPA 197 that have been identified as not being at issue. This will occur on or before **February 5, 2015**.

- (c) The Appellant's, Shoreline Towers Inc. and 1026046 Ontario Limited, together with the City will identify the parts of OPA 197 that are not at issue and the City will so advise the Board and all other Parties in writing. Shoreline Towers Inc. and 1026046 Ontario Limited will, through written communication to the Board and to all other Parties, confirm their concurrence and withdraw their respective appeals in connection with the parts of OPA 197 that have been identified as not being at issue. This will occur on or before **February 5, 2015**.
- (d) The Board shall reserve **February 23, 2015** for the purpose of motions brought by the City of Toronto, Shoreline Towers Inc., 1026056 Ontario Limited or Toronto and Region Conservation Authority in connection with the site specific Issues List for the Phase II Hearing;
- (e) With respect to the shoreline road proposed in OPA 197:
  - i) in the context of the Phase I Hearing, the Board may hear evidence in connection with the shoreline road from the Parties and Participants to the Phase I Hearing as it relates to the issues of such Parties and Participants, with the exception that evidence and issues with respect to that portion of the shoreline road proposed to be located within Precinct B shall not be heard during the Phase I Hearing other than in a general manner to provide context;
  - ii) in the context of the Phase II Hearing, the Board may hear evidence from Parties and Participants to the Phase I Hearing and/or the Phase II Hearing in connection with that portion of the shoreline road proposed to be located within Precinct B; and
  - iii) the Board shall reserve any decision respecting that portion of the shoreline road proposed to be located within Precinct B until the completion of the Phase II Hearing;
- (f) Determination of issues in the Phase I Hearing will be without prejudice to the site specific appeal by 1026046 Ontario Limited in the Phase II Hearing;
- (g) Determination of issues in the Phase I Hearing will be without prejudice to the site specific appeal by Shoreline Towers Inc. in the Phase II Hearing, including the site specific appeal relating to the issue of the appropriateness of the proposed shoreline road within the properties comprising 2313 – 2323 Lake Shore Blvd. West, and will be without prejudice to a determination in the Phase II Hearing of the appropriateness of the proposed shoreline road within Precinct B of the OPA 197; and
- (h) The contact details for all identified Parties and Participants in the Phase 1 Hearing and the Phase II Hearing are listed in Attachment 1 to this Order. The Parties and Participants shall advise the Board and all other Parties and Participants, in writing, of any change to this information.

## **Phase I Hearing**

3. The Phase 1 Hearing will begin on the **9th day of March, 2015 at 10:00 a.m. at 655 Bay Street, 16<sup>th</sup> Floor, Toronto, ON** and the length of the hearing will be about **1 week**.

4. Parties and Participants to the Phase I Hearing are listed in **Attachment 2, Part I** to this Order (the "Phase I Parties"; the "Phase I Participants"). The Parties comprised of, Shoreline Towers Inc. and 1026046 Ontario Limited, have site specific appeals and their involvement for the purpose of the Phase I Hearing will be limited to observation and monitoring except with permission of the Board. The Toronto and Region Conservation Authority will also have limited involvement in the Phase I Hearing as it was granted Party Status as a result of its interest in the issues raised in the site specific appeal of Shoreline Towers Inc. which will be addressed in the Phase II Hearing. For the purpose of the Phase I Hearing, Shoreline Towers Inc., 1026046 Ontario Limited and Toronto Region and Conservation Authority will be referred to as "Phase I Limited Parties".

5. The Issues for the Phase I Hearing are set out in the Issues List attached as **Attachment 3**. The list may be further scoped and modified on consent and with the Boards permission. Otherwise, there will be no changes to this list unless the Board permits and a Party who asks for changes may have costs awarded against it. To the extent that the Issues List for the Phasing I Hearing is further scoped and modified, and further to section 2b) of this Order, Peggy Moulder and Paul Chomik co-operatively with the City, will advise the Board, the other Phase I Parties and the Phase I Limited Parties as to those parts of OPA 197 that, as a result, are also no longer at issue and shall, by written communication to the Board, withdraw their respective appeals in connection with the same at the earliest opportunity.

6. The Phase I Parties and Phase I Participants shall call their evidence in the order shown in **Attachment 4**.

7. Any person intending to participate in the Phase I Hearing should ensure that the Board is provided with a telephone number. Any such person who will be retaining a representative should advise the other Parties to the Phase I Hearing and the Board of the representative's name, address and phone number as soon as possible.

## **Requirements Before the Hearing – Phase I Hearing**

8. A Phase I Party who intends to call witnesses, whether by summons or not, shall provide to the Board and to the other Phase I Parties and the Phase 1 Limited Parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **February 9, 2015**.

9. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 13. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.

10. A witness who is not a professional in the subject matter to be addressed must provide to a witness statement outlining the evidence he/she will give at the hearing together with a list of any documents to be relied on at the hearing. Copies of this must be provided as in section 13. If this is not done, the Board may refuse to hear the witness' testimony.

11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file with the Board and provide a brief outline of the expert's evidence as in section 13.

12. Any Phase I Participant who intends to address the Board must provide to the Board a participant statement outlining the evidence he/she will give at the hearing together with a list of any documents to be relied on at the hearing. Copies of this must be provided to the Board, the Phase I Parties, the Phase I Limited Parties and other Phase I Participants on or before **February 18, 2015**. If this is not done, the Board may refuse to hear the witness' testimony

13. The Phase I Parties shall provide copies of their witness and expert witness statements to the Board and the other Phase I Parties and the Phase I Limited Parties on or before **February 18, 2015**. A signed Acknowledgement of Expert's Duty shall accompany all written evidence provided by an expert witness

14. Phase I Parties may provide a written response to any written evidence to the Board and to all other Parties and the Phase I Limited Parties on or before **February 25, 2015**.

15. (a) A person wishing to change written evidence, including witness statements, must make a written motion to the Board. *(see Rules 34 to 38, inclusive, of the Board's Rules, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.); and*

(b) If all or part of a witness or expert statement served by a Phase I Party is outside the scope of the Phase I hearing and should be considered as part of the Phase II Hearing, a Phase I Limited Party may bring a motion to the Board on the reserved date of **February 23, 2015** with notice given on or before **February 20, 2015** to seek a determination of the matter.

16. The Phase I Parties shall provide copies of their visual evidence to all of the other Phase I Parties and the Phase I Limited Parties on or before **February 27, 2015**. If a model will be used, all Phase I Parties and the Phase I Limited Parties must have a reasonable opportunity to view it before the hearing.

17. A Phase I Party who provides a witness' written evidence to the other Phase I Parties and the Phase I Limited Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the Board on or before **February 18, 2015** that the written evidence is not part of their record or that all the Phase I Parties agree that the written evidence is not part of the record.

18. Documents may be delivered by personal delivery, facsimile, electronic mail (as an e-mail attachment), registered mail, certified mail or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules apply to such requests.



## **Phase II Hearing**

20. The Phase II Hearing will begin on the **16<sup>th</sup> day of November, 2015 at 10:00 a.m. at 655 Bay Street, 16th Floor, Toronto, ON** and the length of the hearing will be about **2 weeks**.

21. Parties and Participants to the Phase II Hearing are listed in **Attachment 2, Part B** to this Order (the "Phase II Parties; the "Phase II Participants").

22. The site specific Issues identified by Shoreline Towers Inc. and 1026046 Ontario Limited for the Phase II Hearing will be finalized and provided in writing to the Board, other Phase II Parties and the Phase II Participants on or before **February 5, 2015** . After that time the site specific Issues List for the Phase II Hearing will be subject to determinations by the Board as a result of any motions contemplated in section 2 d) of this Order and, in addition, may be further scoped and modified on consent and with the Board's permission. Otherwise, there will be no changes to this list unless the Board permits and a Phase II Party who asks for changes may have costs awarded against it. The final form of Issue List will be incorporated into the Procedural Order at the time of the Pre-hearing Conference referred to in section 23 below. To the extent that the Issues List for the Phase II Hearing is further scoped and modified, and further to section 2c) of this Order, Shoreline Towers Inc. and 1026046 Ontario Limited co-operatively with the City, will advise the Board and the other Phase II Parties as to those parts of OPA 197 that, as a result, are also no longer at issue and shall, by written communication to the Board, withdraw their respective appeals in connection with the same at the earliest opportunity.

23. A further Pre-hearing Conference with respect to the Phase II Hearing will be held on the **29<sup>th</sup> day of June, 2015** for the purpose of establishing the Procedural Order for the Phase II Hearing and finalizing the requirements for the hearing, the order of evidence and such other matters the Board determines to be appropriate.

24. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 5**.

## **So Orders the Board**

## ATTACHMENT 1

### CONTACT DETAILS - PARTIES AND PARTICIPANTS

PARTY	CONTACT DETAILS
<p>City of Toronto</p>	<p>Leslie Forder, Legal Counsel            Email: <a href="mailto:lforder@toronto.ca">lforder@toronto.ca</a>            Tel: 416 392 1078            Fax: 416 397 5624</p> <p>Sharon Haniford, Legal Counsel            Email: <a href="mailto:shanifor@toronto.ca">shanifor@toronto.ca</a>            Tel: 416 392 6975            Fax: 416 397 5624</p> <p>City of Toronto Legal Division            55 John Street, 26<sup>th</sup> Floor Metro Hall,            Toronto, ON M5V 3C6</p>
<p>Peggy Moulder</p>	<p>William Roberts, Legal Counsel            Email: <a href="mailto:willadvocate@aol.com">willadvocate@aol.com</a>            Tel: 416 769 3162            Fax: 416 769 4223</p> <p>881A Jane Street, Ste 203A,            Toronto, ON M6N 4C4</p>
<p>1026046 Ontario Limited</p> <p>Shoreline Towers Inc.</p>	<p>Stephen Waque, Legal Counsel            Email: <a href="mailto:swaque@blg.com">swaque@blg.com</a>            Tel: 416 367 6275            Fax: 416 361-2708</p> <p>Pitman Patterson, Legal Counsel            Email: <a href="mailto:ppatterson@blg.com">ppatterson@blg.com</a>            Tel: 416 367 6109            Fax: 416 361 2459</p> <p>Piper Morley, Legal Counsel            Email: <a href="mailto:pmorley@blg.com">pmorley@blg.com</a>            Tel: 416 367 6591            Fax: 416 361 7357</p> <p>Borden, Ladner Gervais, LLP            Scotia Plaza, 40 King Street West            Toronto, ON M5H 3Y4</p>

<p>Paul Chomik (Lakeshore Planning Council) (incorporated)</p>	<p>Paul Chomik 2943 Lake Shore Blvd West, Toronto, ON M8V 1J5 Tel: 416 251 5412 Tel (2): 905 625 9280 Email: <a href="mailto:arcticalert2@yahoo.ca">arcticalert2@yahoo.ca</a></p> <p><i>Alternative contact:</i> Timothy Dobson 3446 Lake Shore Blvd West Toronto, ON M8W 1N3 Tel: 416 948 1872 Email: <a href="mailto:timothy_dobson@yahoo.com">timothy_dobson@yahoo.com</a></p>
<p>Peter Shepherd, Martin Gerwin and Judith Rutledge (Mimico Lakeshore Network (unincorporated))</p>	<p>c/o Martin Gerwin 20 Miles Road, Toronto, ON M8V 1V3 Tel: 416 503 3736 Email: <a href="mailto:gerwin@rogers.com">gerwin@rogers.com</a></p>
<p>Toronto and Region Conservation Authority</p>	<p>Jonathan Wigley, Legal Counsel Email: <a href="mailto:jwigley@gardiner-roberts.com">jwigley@gardiner-roberts.com</a> Tel: 416 865 6655 Fax: 416 865 6636 Gardiner-Roberts LLP 40 King Street West, Suite 3100, Scotia Plaza Toronto, ON M5H 3Y2</p>

PARTICIPANT	CONTACT DETAILS
<p>Abbe Edelson (Ward 6 Community Action Team) (unincorporated)</p>	<p>30 Harold Street, Toronto, ON M8Z 3R3 Email: <a href="mailto:abbe@sympatico.ca">abbe@sympatico.ca</a> Tel: 416 604 4166 Tel (Mobile): 416 882 7753</p>
<p>Mary Bella (Mimico Resident's Association) (incorporated)</p>	<p>2408 Lake Shore Blvd West PO 14010 Toronto, ON M8V 4A2 Tel: 416 255 9744 Email: <a href="mailto:info@mimicoresidents.ca">info@mimicoresidents.ca</a></p>

## ATTACHMENT 2

### PARTIES AND PARTICIPANTS

#### **PART A: Phase I Hearing**

Phase I Parties: City of Toronto  
Martin Gerwin et al (Mimico Lakeshore Network)  
Peggy Moulder  
Paul Chomik (Lakeshore Planning Council)

Phase I Limited Parties: Shoreline Towers Inc.  
1026046 Ontario Limited  
Toronto and Region Conservation Authority

Phase I Participants: Abbe Edelson (Ward 6 Community Action Team)  
Mary Bella (Mimico Resident's Association)

#### **Part B: Phase II Hearing**

Phase II Parties: City of Toronto  
Toronto and Region Conservation Authority  
Martin Gerwin et al (Mimico Lakeshore Network)  
Shoreline Towers Inc.  
1026046 Ontario Limited  
Peggy Moulder  
Paul Chomik (Lakeshore Planning Council)

Phase II Participants: Abbe Edelson (Ward 6 Community Action Team)  
Mary Bella (Mimico Resident's Association)

## ATTACHMENT 3

### ISSUES LIST – Phase I Hearing

**NOTE: The identification of an issue on the Issues List does not constitute an acknowledgement by the Board or any party that said issue is either relevant or appropriate. The identification of an issue on this list by a party indicates that party's intent to lead evidence or argue that the issue is relevant to the proceeding for the purpose of fairly identifying to the other parties the case they need to meet. Accordingly, no party shall advance an issue not identified on the Issues List at the hearing without leave of the Board.**

#### **Consolidated Issues of P Moulder and P Chomik:**

1. Does the Mimico-by-the-Lake Secondary Plan (OPA 197) comply with the Places to Grow Act, 2005, as amended, and more particularly Purposes 1, Section 2.2 Managing Growth; Growth Plan for the Greater Golden Horseshoe, 2006, and more particularly 1.2.2 (General Principles), 2.2.3(7) and 4.2.1?
2. Is OPA 197 consistent with the Provincial Policy Statement (2014) and more particularly Part 1 (Preamble), Part IV (Vision), 1.0 (Building Strong Healthy Communities) and more particularly 1.1.1, 1.1.3.7; 1.2 (Co-ordination) and more particularly 1.2.1; 1.5.1 (Public Spaces); 1.7.1 (Long-Term Economic Prosperity); 2.0 (Wise Use and Management of Resources) and more particularly 2.1 (Natural Heritage)?
3. In regard to Precinct G in the secondary plan area:
  - a) does OPA 197 appropriately address the impacts on adjacent residential areas and adjacent properties and criteria for an Avenue having regard to the Official Plan policies in Chapter 2.2.3 (Avenues) and in particular Policy 2.2.3.2 b); 4.5 (Mixed Use Areas) Policy 4.5 (2) a), c), d) and e) in particular; and, Chapter 2.3.1 (Healthy Neighbourhoods) Policies 2.3.1 (2) and (6) in particular? More specifically does OPA 197 in general appropriately address these matters in its policies 4.6.4 and 5.1.1?
  - b) should the policies governing Precinct G provide more than a reference to the heights and set out additional conditions/criteria for obtaining such heights, such as transition to Neighbourhoods, and meeting the Neighbourhood Protection policies set out in 4.1 of the Official Plan to meet those heights?; and,
  - c) is it appropriate to encourage assembly of land in Precinct G in Policy 4.2.2?
4. In regard to the proposed infrastructure:
  - a) does OPA 197 appropriately address infrastructure requirements for intensification having regard to Official Plan Policies in Chapter 5.2.1 and 5.2.1. (4) in particular (Secondary Plans); Chapter 2.2 (Structuring Growth in the City) and 2.2 (4) in particular?; and,
  - b) should OPA 197 require the securing and provision of certain municipal infrastructure, including roads, services, parks and open space, as specific

precursors to development within any given precinct as was done in the North York Centre (Secondary) Plan; and do OPA 197 policies: 4.1.1. c), 4.4.1 to 4.4.5, 4.6.4, 4.6.6 and 4.9.1 appropriately address these matters?

5. Should there be policies set out in Section 4.6.6 of OPA 197 to link additional height permissions to the provision of the necessary infrastructure through Section 37 obligation and by Section 37 agreements? Further does OPA 197 in general and additionally in its policy 5.6 adequately address this issue?
6. Does OPA 197 appropriately set out the intended growth in the secondary plan area and in particular, should the OPA 197 indicate the existing, the planned and total increase in units for each precinct upon which the infrastructure studies were based having regard to Official Plan policies, Chapter 5.2.1 (Secondary Plans) and Policy 5.2.1 (4) in particular?
7. Does OPA 197 adequately limit site specific development and give sufficient preference to precinct driven development having regard to the policies in the Official Plan, Chapter 3.3 (Building New Neighbourhoods)?; Chapter 3.1.1 (The Public Realm) and, Policies 3.1.1 (16) and (17) in particular? Does OPA 197 in general and more specifically in its policies: 3.1.2 f), 3.2.2, 3.2.3, 3.2.4, 4.2.2.c), 4.4.2, 5.1.3 and 5.1.5 adequately address this issue?
8. Does OPA 197 appropriately adapt and implement the intent of the Official Plan for the provision of parkland and open spaces having regard to Chapter 2.3.2 (Toronto's Green Space System and Waterfront) and Policies 2.3.2 (4) to (9) in particular; and, Chapter 4.3 (Parks and Open Space Areas); and, in particular, is it appropriate to designate parts of the Other Open Spaces and Parks presently shown on Map 15 of the Official Plan such as Superior Park and the waterfront open space to other uses? Does OPA 197 in general and more specifically in its policies: 3.2.1, 4.4.1, 4.4.3, 4.5.4 to 4.5.6, 5.1.5 e), Maps 33-3 to 33-7, and the sidebar appropriately address this issue?
9. Does the OPA 197 appropriately provide for the provision of parkland for the proposed and existing residents having regard to the Official Plan Chapters 3.2.3 (Parks and Open Spaces) and 4.3 (Parks and Open Space Areas), and the ratio of local parkland to population on Official Plan Map 8B? Does OPA 197 in general and more specifically in its policies: 3.2.1, 4.1.1. e), 4.4.1, 4.4.3, 4.5.4 to 4.5.6, 5.1.5 e), Maps 33-3 to 33-7, and the sidebar appropriately address this issue?
10. Are the heights provided for in OPA 197 appropriate:
  - a) given the character and the context of the area having regard to the Official Plan policies Chapter 2.2.3 (Avenues) and Policy 2.2.3.3 (c) in particular; Chapter 2.3.1 (Healthy Neighbourhoods) and Policies 2.3.1 (5) and (6) in particular; Chapter 4.5 (Mixed Use Areas) and Policy 4.5 (2) in particular; Chapter 3.1.2 (Built Form) and Policies 3.1.2, (1), (2), (3) and (4) in particular; Chapter 3.1.3 (Built Form - Tall Buildings), Policies 3.1.3 (1) to (2) in particular; 5.2.1 (Secondary Plans) and Policies 5.2.1 (3) and (4) in particular; and Chapter 2.3.1 (Healthy Neighbourhoods) and Policies 2.3.1 (1), (2) and (3) in particular; and,
  - b) do they provide appropriate transition to adjacent land uses, particularly in the precincts adjacent to Precinct D (Waits Park), Superior Park, open space and the

water's edge? Does OPA 197 in general and more specifically in its policies 4.2.1 to 4.2.7 inclusive, appropriately address this issue?

11. Should performance standards for sunlight, views and transition set out in the Mimico 20/20 Urban Design Guidelines be incorporated directly into OPA 197 rather than by reference to the guidelines as they relate to development next to parks and public open space?
12. Does OPA 197 appropriately adapt and implement the intent of the Official Plan for secondary plans having regard to Policies in Chapter 5.2.1 (Secondary Plans) and more particularly policies 5.2.1 3) dealing with the creation of sustainable communities: (4) a), b), f) and g); and (5) in regard to the preparation of a zoning by-law in conjunction with a secondary plan in particular? More particularly does OPA 197 address such matters as population projections; clearer transition rules to neighbourhoods, parks and open spaces, the timely provision of infrastructure (including parks, roads, sewers) in conjunction with the proposed intensification; and, the provision of parkland for the existing and projected population among other matters?

**Additional Issues - P Chomik (Lakeshore Planning Council):**

Urban Structure

- 13) **OPA 197, Section 3.1, in particular Policy 3.1.2 b)**

Does OPA 197 provide for parks and open spaces which have adequate separation distances from hard infrastructure such as roads, to facilitate local parks that provide passive respite from the hustle and bustle of the city, and in particular, provides for separation protecting natural heritage areas along the Lake Ontario shoreline so that the function of those open spaces are not diminished?

Reference: Official Plan Section 3.2.3, including Policy 1a), 3

Intensification

- 14) **OPA 197 Section 4.2, Policy 4.2.1**

Does OPA 197 meet or exceed the statutory requirements of the Official Plan, with regard to policies directing intensification to specific areas of the City?

Reference: Official Plan Section 2.2 Map 2, in particular Policy 2, 2i)  
Official Plan Section 2.2.3, in particular Policy 2b) i, ii, iii  
Official Plan Section 4.2, in particular Policy 2a) and 3

## Secondary Plans

- 15) **OPA 197 Section 4.2, including Policy 4.2.1**  
**OPA 197 Section 4.5, Policy 4.5.1**

Does OPA 197 respect established Apartment Neighbourhoods by allowing the potential for only sensitive infill development which does not adversely alter the existing character of area?

Reference: Official Plan Section 5.2.1, in particular Policy 4 a) b) d) f) g)  
Official Plan Section 5.3.1, in particular Policy 1 and 3

## Tall Buildings

- 16) **OPA 197 Section 4.2, in particular 4.2.1, 4.2.3, 4.2.4**  
**OPA 197 Section 3.1, in particular 3.1.2 e)**

Does OPA 197 provide for sensitive infill development that respects the general physical character of the established Apartment Neighbourhood, by providing an appropriate transition between areas of different intensity and scale of development and application of the 45-degree angular plane at the lot lines of a subject property?

Reference: Official Plan Section 3.1.3, in particular Policy 2c), d)  
Reference: Tall Buildings Guidelines, Fit and transition in scale, Section 1.3,  
Rationale of 45 degree angular plane.

## Text Content

- 17) With a view to historic accuracy in the text of OPA 197:
- a) should the words “Mimico-by-the-Lake is a unique and historic community” be replaced with “Mimico is a unique and historic community” in the first paragraph of Section 1, Introduction; and
  - b) should the words “Mimico-by-the-Lake is a historic Toronto Community” be replaced with “Mimico is a historic Toronto Community” in the Vision Statement set out in Section 2, Vision and Priorities?



**ATTACHMENT 4**

**ORDER OF EVIDENCE – Phase I Hearing**

City of Toronto

Martin Gerwin et al (Mimico Lakeshore Network)

Participant Abbe Edelson (Ward 6 Community Action Team)

Participant Mary Bella (Mimico Residents Association)

Peggy Moulder

Paul Chomik (Lakeshore Planning Council)

Reply Evidence of the City of Toronto

## ATTACHMENT 5

### **Purpose of the Procedural Order and Meaning of Terms**

The Board recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

### **Meaning of terms used in the Procedural Order:**

**Party** is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

**NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.

**Participant** is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing this statement. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

**Written and Visual Evidence:** **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

**Witness Statements:** A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness'

opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

### **Additional Information**

**Summons:** A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

**The order of examination of witnesses:** is usually direct examination, cross-examination and re-examination in the following way:

direct examination by the party presenting the witness;

direct examination by any party of similar interest, in the manner determined by the Board;

cross-examination by parties of opposite interest;

re-examination by the party presenting the witness; or

another order of examination mutually agreed among the parties or directed by the Board.