

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 21, 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:	Shoreline Towers Inc.
Appellant:	Lakeshore Planning Council
Subject:	Proposed Official Plan Amendment No. 197
Municipality:	City of Toronto
OMB Case No.:	PL130885
OMB File No.:	PL130885
OMB Case Name:	Shoreline Towers Incorporated v. Toronto (City)

Heard: August 27, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Counsel*/Representative

City of Toronto	S. Haniford*, L. Forder*
Shoreline Towers Inc. and 1026046 Ontario Limited	P. Morley*
Mimico Lakeshore Network	R. Kaross
Lakeshore Planning Council	P. Moulder
Toronto and Region Conservation Authority	J. Wigley*

DECISION DELIVERED BY M. VALIANTE AND C. CONTI AND ORDER OF THE BOARD

[1] This is the decision resulting from a prehearing conference (“PHC”) regarding Phase II of the hearing of appeals of City of Toronto Official Plan Amendment No. 197, which is intended to enact the Mimico by the Lake Secondary Plan. By its decision, dated February 4, 2015, the Board phased the hearing of the appeals of OPA 197 into two parts. The Phase I Hearing was completed and an Order of the Board issued on March 31, 2015 allowing certain modifications to OPA 197 and approving those sections of OPA 197 that were not under appeal. Those portions of OPA 197 that are still under appeal, dealing mainly with site specific matters, are to be addressed in the Phase II hearing, which is scheduled to commence on November 16, 2015.

[2] In its February 4, 2015 decision, through adoption of the Procedural Order the Board determined that the Phase II Hearing would address the following:

- a. The site specific appeal of Shoreline Towers Inc. (2313-2323 Lake Shore Blvd. West);
- b. The site specific appeal of 1026046 Ontario Limited (2491 Lake Shore Blvd. West); and
- c. The appeal of Lakeshore Planning Council relating to the appropriateness of a shoreline road within Precinct B of OPA 197.

[3] At the PHC Counsel for the City provided the Board with a draft Procedural Order for the Phase II Hearing. The draft included an issues list; however, the Board heard that there may be some modifications to the list. Part 4 of the draft Procedural Order included a chart outlining the sections of OPA 197 that were identified as being the subject of site specific appeals in the Phase II Hearing. Because this chart identified OPA 197 sections in the form originally adopted by City of Toronto, rather than in the form as modified and approved by the Board in Phase I, the parties agreed that they needed to review the chart and clarify if the modifications might affect matters to be raised in Phase II. The parties agreed to provide the final version of the chart to the Board by September 11, 2015. In addition, the Board heard that the parties will

participate in mediation, which may lead to further modifications to the issues list.

[4] Mr. Wigley representing the Toronto and Region Conservation Authority (“TRCA”) raised a concern about the wording of Issue 14 in the list of issues of Shoreline Towers Inc. It states:

Is the 10m setback from the Shoreline Hazard Limits as contemplated in policy 4.8.2 of OPA 197 appropriate for the Shoreline Site considering the shoreline protections already in place at this location, the location of the shoreline hazard limit set by TRCA, and existing City of Toronto Official Plan Policies including without limitation 2.3.2.6(f) and 3.4.8(c), or would a lesser setback be more appropriate?

[5] Mr. Wigley sought clarification that the shoreline hazard limit as set by TRCA was not an issue in the Hearing of these appeals. The parties agreed that the issue of the location of the shoreline hazard limit as set by TRCA is not in dispute in this proceeding.

[6] The Board heard that through Phase I of the hearing it was determined that Ms. Moulder should not continue as a separate party, but that her interests should be raised through the Lakeshore Planning Council. The Board informed Ms. Moulder that this status determination also applied to the Phase II hearing.

[7] The Board advised Ms. Moulder and the Mimico Lakeshore Network to try to resolve a concern raised by Ms. Moulder about the accuracy of some information on the Mimico Lakeshore Network’s website.

[8] Following mediation, on October 8, 2015 the Board received the final Procedural Order for the Phase II Hearing. All parties have consented to the final Procedural Order.

[9] As a result of mediation, the parties consented to adjourn the portion of the Phase II hearing dealing with the appeal by 1026046 Ontario Limited to a separate Phase III hearing. The Board was informed that the issue related to the TRCA had been resolved and that Mr. Wigley would communicate with the Board regarding

TRCA's status in the matter.

[10] The Board adopts the final Procedural Order, which is included with this decision as Attachment 1.

[11] The hearing for Phase II of this appeal is scheduled to commence on **Monday, November 16, 2015 at 10 a.m. at:**

**Ontario Municipal Board
655 Bay Street,
16th Floor
Toronto, ON**

[12] No further notice is required.

[13] The Members are not seized and can be spoken to if required.

"M. Valiante"

M. VALIANTE
MEMBER

"C. Conti"

C. CONTI
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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ATTACHMENT 1

PL130885

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

PROCEDURAL ORDER PHASE II HEARING (*Draft Oct 5, 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. Pursuant to its decision dated February 4, 2015, the Board phased the appeals in this matter into two parts and scheduled a Phase I Hearing and Phase II Hearing. The Phase I Hearing has now concluded and an Order was issued on March 31, 2015 approving OPA 197 with modifications and subject only to the remaining Phase II Hearing matters (the "Phase I Order").

3. The February decision included a Procedural Order (the "Phase I Procedural Order") for the Phase I Hearing which also addressed certain organizational matters for the Phase II Hearing. It was intended that a further hearing specific Procedural Order would follow for the purpose of co-ordinating the Phase II Hearing but, in particular, the Board had specified that the second phase would address the following:

- a) site specific appeal of Shoreline Towers Inc. (2313-2323 Lake Shore Blvd. West);
- b) site specific appeal of 1026046 Ontario Limited (2491 Lake Shore Blvd. West); and
- c) appeals of P. Moulder and P. Chomik (Lakeshore Planning Council) (these appeals were consolidated into an appeal by Lakeshore Planning Council in the Phase I Hearing) relating to the appropriateness of a shoreline road within Precinct B of OPA 197.

4. The in force parts of OPA 197 that continue to be subject to site specific appeals and which are the subject of the Phase II Hearing are identified on **Attachment 1**. In addition, the lakeside public secondary local street within Precinct B of OPA 197 remains at issue as set out in the issue lists forming part of this Order and, for clarity, references to shoreline road, waterfront road or lakeside street shall have corresponding meanings.

5. For the purpose of the Phase II Hearing, the Phase I Procedural Order also provided clarification at Section 2 (f) and (g) as follows:

“(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.”

6. Notwithstanding section 4, the parties, with the assistance of mediator James McKenzie, have consented to adjourn that portion of the Phase II Hearing dealing with the 1026046 Ontario Limited appeal. The Board so orders and a prehearing date for a third phase of the hearing respecting OPA 197 and the site specific appeal by 1026046 Ontario Limited (the "Phase III Hearing") will be scheduled for the purpose of organizing that phase of the hearing, upon receipt of a written request to the Board by 1026046 Ontario Limited. For clarity, determinations of issues in the Phase I Hearing and the Phase II Hearing will be without prejudice to the site specific appeal by 1026046 Ontario Limited in the Phase III Hearing.

Phase II Hearing - General

7. The Phase II Hearing will begin on the **16th 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**.

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

9. The Issues for the Phase II Hearing are set out in the Issues Lists attached as follows:

- (a) Issue List of Shoreline Towers Inc. - **Attachment 3, Part 1A;**
- (b) Issue List of Lakeshore Planning Council - **Attachment 3, Part 1B;**
- (c) Issue List of the City of Toronto - **Attachment 3, Part 1C.**

10. On or before October 9, 2015, Shoreline Towers Inc. will confirm to the Board and other Phase II Parties as to those parts of OPA 197 that are no longer at issue as a result of scoping and finalizing the Issue List referred to in section 9 (a) and shall, by written communication to the Board, withdraw their appeals in connection with the same.

11. The Issues List may be further scoped and modified on consent and with the Board's permission. Otherwise, there will be no changes to the issues unless the Board permits and a Party who asks for changes may have costs awarded against it. To the extent that the Issues

List of Shoreline Towers Inc. is further scoped and modified, co-operatively with the City, Shoreline Towers Inc. will advise the Board and the other Phase II Parties as to any parts of OPA 197 that, as a result, are no longer at issue and shall, by written communication to the Board, withdraw their appeal in connection with the same at the earliest opportunity.

12. Shoreline Towers Inc. accepts certain of the modifications to OPA 197 as set out in the Phase I Order at Attachment 1 and Paragraph 32 but objects to other of the modifications being applicable to its site comprising 2313 & 2323 Lake Shore Boulevard West. These are summarized in **Attachment 3, Part 2** and form the basis of the City issues identified at Attachment 3, Part 1C in connection with modifications to OPA 197 as had been endorsed by City Council through its adoption of MM 3.39 at its meeting February 10 & 11, 2015.

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

14. The updated contact details for all identified Phase II Parties and Phase II Participants are listed in **Attachment 5** to this Order. The Phase II Parties and Phase II Participants shall advise the Board and all other Phase II Parties and Phase II Participants, in writing, of any change to this information. Any person intending to participate in the Phase II 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 II Hearing and the Board of the representative's name, address and phone number as soon as possible.

Phase II Hearing – Requirements Before the Hearing

15. A Phase II Party who intends to call witnesses, whether by summons or not, shall provide to the Board and to the other Phase II Parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **October 9, 2015**. If a witness is to provide evidence as an expert witness, the list of witnesses shall also identify the area(s) of expertise in which such witness seeks to be qualified to provide expert evidence.

16. 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 20. 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.

17. A witness who is not a professional in the subject matter to be addressed must provide 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 20. If this is not done, the Board may refuse to hear the witness' testimony.

18. 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 20.

19. Any Phase II Participant who intends to address the Board must provide 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 II Parties and other Phase II Participants on or before **October 19, 2015**. If this is not done, the Board may refuse to hear the witness' testimony

20. The Phase II Parties shall provide copies of their witness and expert witness statements to the Board and the other Phase II Parties on or before **October 19, 2015**. A signed Acknowledgement of Expert's Duty shall accompany all written evidence provided by an expert witness

21. Phase II Parties may provide a written response to any written evidence to the Board and to all other Parties on or before **October 30, 2015**.

22. 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*).

23. The Phase II Parties shall provide copies of their visual evidence to all of the other Phase II Parties on or before **November 3, 2015**. If a model will be used, all Phase II Parties must have a reasonable opportunity to view it before the hearing.

24. A Phase II Party who provides a witness' written evidence to the other Phase II Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the Board on or before **November 3, 2015** that the written evidence is not part of their record or unless all the Phase I Parties agree that the written evidence is not part of the record.

25. 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.

26. 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.

27. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 6**.

So Orders the Board

ATTACHMENT 1

PARTS OF OPA 197 IDENTIFIED AS THE SUBJECT OF EITHER A SITE SPECIFIC APPEAL OR GENERAL APPEAL

PHASE II HEARING

NOTE: This chart identifies the policies of OPA 197 **in the form originally adopted by City of Toronto Council** that were identified as being the subject of a site specific appeal of Shoreline Towers Inc. and the properties that are the subject of that appeal as well as the remaining general appeal.

OPA 197 Sections/Subsections/Maps		Parts of OPA 197 under appeal	
		Site Specific	General
		2313 & 2323 Lake Shore Blvd. West (Shoreline Towers Inc.)	Lakeshore Planning Council
Section 1: Introduction			
Section 2: Vision and Priorities			
Section 3: Development Framework	3.1 Urban Structure	Policy 3.1.2 b) f)	Policy 3.1.2 b) only as it relates to the lakeside public secondary local street identified in Precinct B (Phase I Order)
	3.2 Precincts	Policy 3.2 (Text) & Policies 3.2.1b), 3.2.2-3.2.4	
Section 4: Shaping the Community - the Built Environment	4.1 Public Realm	Policy 4.1.1 c)	Policy 4.1.1 c) only as it relates to the lakeside public secondary local street identified in Precinct B
	4.2 Built Form	Policies 4.2.2-4.2.7	
	4.3 Housing	Policy 4.3.3, 4.3.12	
	4.4 Transportation/Mobility	Policies 4.4.1 - 4.4.9 ^{Transportation/Mobility}	Policies 4.4.3 g) & j) and 4.4.6 only as they relate to the lakeside public secondary local street identified in Precinct B (Phase I Order)

	4.5 Land Use Designations	,	
	4.6 Community Services and Facilities	Policy 4.6.4	
	4.7 Heritage and Archaeology		
	4.8 Natural Environment		
	4.9 Municipal Servicing		
Section 5: Making it Happen /Implementation	5.1 Development Framework for Precincts	Policies 5.1.1 - 5.1.6	
	5.2 Zoning By-laws		
	5.3 Land Division	Policy 5.3.2	
	5.4 Site Plan Control		
	5.5 Holding By-laws	Policy 5.5.2 g)	
	5.6 Section 37		
	5.7 Interpretation		
Section 6: Site Specific Policies	6.1 Special Policy Area 1 - Map 33-6		
MAPS	33-1 Boundaries		
	33-2 Precincts		
	33-3 Land Use Designations	Only with respect to 2313 & 2323 Lake Shore Blvd. W. and the lakeside public secondary local street identified in Precinct B	Only with respect to the lakeside public secondary local street identified in Precinct B (Phase I Order)
	33-4 Urban Structure		
	33-5 Transportation Structure		
	33-6 Maximum Building Height		
	33-7 Parks and Open Space		
	33-8 Off Site Rental Replacement		

ATTACHMENT 2

**PARTIES AND PARTICIPANTS
PHASE II HEARING**

Phase II Parties: City of Toronto
Martin Gerwin (Mimico Lakeshore Network) (not incorporated)
Shoreline Towers Inc.
Lakeshore Planning Council (incorporated)

Phase II Participants: Abbe Edelson (Ward 6 Community Action Team) (not incorporated)

Mimico Resident's Association (incorporated)

ATTACHMENT 3

PART I

ISSUES LIST – PHASE II 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.

PART 1A – ISSUE LIST OF SHORELINE TOWERS INC. (Feb. 23, 2015, Revised Oct, 2015)

PART 1B – ISSUE LIST OF LAKESHORE PLANNING COUNCIL

PART 1C – ISSUE LIST OF CITY OF TORONTO

ATTACHMENT 3

PART 1A – ISSUE LIST OF SHORELINE TOWERS INC.

PL130885

Appellant: Shoreline Towers Inc.
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

Issues List of Shoreline Towers Inc.

The following issues, and the policy and map references cited therein, are site specific to 2313 & 2323 Lake Shore Boulevard West (the "Shoreline Site") and are requested to be determined by the Board on that basis. Pursuant to the Procedural Order, the Board will make a determination on the entirety of the shoreline road in Precinct B as part of the Phase II hearing. Shoreline may call evidence in respect of the whole of the shoreline road in Precinct B, but will limit the relief requested to the Shoreline Site.

Provincial Policy Statement

1. Is OPA 197 as it applies to the Shoreline Site consistent with policies 1.1.1, 1.1.2, 1.1.3.2, 1.1.3.3 and 1.5.1(c) of the *Provincial Policy Statement, 2014*?

Reinvestment and Revitalization

2. Are the policies of OPA 197 as they apply to the Shoreline Site appropriate in view of the stated goal of encouraging reinvestment and revitalization of the area?

Height and Massing

3. As they apply to the Shoreline Site, do the policies of OPA 197 in relation to height and massing (Policies 4.2.2 – 4.2.4 and Map 33-6) represent good planning?
4. As they apply to the Shoreline Site, is OPA 197 policy 4.2.4(a) and Map 33-6 in relation to massing and height appropriate and do they fail to recognize the heights of existing buildings in the Secondary Plan area?
5. Is the pattern of the development height and form in Map 33-6 and policies 4.2.4 appropriate for the Shoreline Site given the attributes of those lands, including

those identified on Map 33-4, and the context of the surrounding development heights including consideration of which buildings could be retained and which buildings could be removed to facilitate revitalization, as outlined in the Mimico 20/20 Urban Design Guidelines?

6. As they apply to the Shoreline Site, are the provisions of policies 4.2.2 and 4.2.4 too specific in that they may result in needless Official Plan Amendments for minor deviations, and are these provisions better left to be stated in Design Guidelines and implemented through Site Plan Control and application related site specific by-laws?
7. As they apply to the Shoreline Site, do Policies 4.2.5, 4.2.6 and 5.1.1 of OPA 197 inappropriately elevate the status of Design Guidelines?

Housing

8. As they apply to the Shoreline Site, are policies 4.3.3 and 4.3.12 appropriate in the circumstances, reasonably implementable, consistent with the goal of renewing existing housing and revitalizing the Mimico by-the-Lake Secondary Plan area through renewing existing housing, infill development on underutilized lands, and redevelopment of larger sites? [**RESOLVED:** At its meeting September 30, October 1 & 2, 2015, City of Toronto Council endorsed site specific revisions by adoption of Item MM9.54]

Transportation

9. As they apply to the Shoreline Site, are the OPA 197 policies in relation to additional local street requirements (policies 3.1.2(b), 4.1.1(c), and 4.4.1 – 4.4.9) and corresponding Maps 33-3 and 33-5 necessary and justifiable from a planning perspective?
10. Is there sufficient justification in the background documents, specifically the Mimico 20/20 Land Use Study – Transportation, for requiring the creation of the waterfront road within Precinct B, and in particular on the Shoreline Site?
11. Does the requirement to create the waterfront road within Precinct Band in particular on the Shoreline Site, as shown on Maps 33-2 to 33-7 inclusive, represent good planning?
12. As they apply to the Shoreline Site, should the policies in OPA 197 require commitments to local streets over and above the commitment to contribute half of a future local street as made by the Appellant?
13. As they apply to the Shoreline Site, should the policies in OPA 197 make it clear that alternative solutions to internal traffic circulation and access to the waterfront are encouraged so that revitalization can occur where practical?

14. Should an appropriate determination of how access to the waterfront and contribution to new local roads be determined in respect of the Shoreline Site in the context of a site specific application, rather than in the context of the Secondary Plan policy framework?
15. As it applies to the Shoreline Site, is policy 4.4.2 excessive and unwarranted in requiring that the location and configuration of public streets be determined through the environmental assessment review process, the Precinct Plan process and the development application process?

Precinct Plans

16. As they apply to the Shoreline Site, are the OPA 197 policies in relation to Precinct Plans and Implementation (policies 3.1.2(f), 3.2(Text), 3.2.1 b), 3.2.2, 3.2.3, 4.2.7, 4.4.4, 4.6.4, 5.1, 5.3.2, and 5.5.2(g)) appropriate, feasible and necessary, given that background studies and Urban Design Guidelines were prepared as part of this Secondary plan process?
17. As they apply to the Shoreline Site, are the OPA 197 policies in relation to Precinct Plans internally consistent with the goal of revitalizing properties in the Mimico by-the-Lake Secondary Plan area through renewing existing housing, infill development on underutilized lands, and redevelopment of larger sites?
18. Should the Precinct Plan policies in OPA 197 be considered in the context of their impact on a site specific application as opposed to the Secondary Plan Policy framework?
19. As they apply to the Shoreline Site, do the built form (policy 4.2.2), transportation and implementation policies of OPA 197 discourage the phased development of the lands within the area?

ATTACHMENT 3

PART 1B – ISSUE LIST OF LAKESHORE PLANNING COUNCIL

1. Should OPA 197 Policies 3.1.2 b), 4.1.1.c), 4.4.3 g) & j) and 4.4.6 apply to a shoreline road located within Precinct B and, if so, should it be as currently identified on Maps 33-2 to 33-7?

PART 1C – ISSUE LIST OF CITY OF TORONTO

1. Should the modifications to OPA 197 as set out in **Attachment 3, Part 2** apply to 2313 and 2323 Lake Shore Boulevard West (Shoreline Towers Inc.) and, in particular, those modifications identified in paragraphs b, h (as it relates to proposed new policies 4.2.9 and 5.1.5), j, l, m, o, p (as it relates to new policies 4.4.10, 4.4.11(b) and 4.4.12), q, r, v and x which Shoreline Towers Inc. does not accept?

ATTACHMENT 3

PART 2

OPA 197 Modifications Chart as related to Shoreline Towers Inc.

Modification Reference (City of Toronto Council MM3.39 adopted Feb 10 & 11, 2015)	Policy Change from OPA 197	Does Shoreline Towers Inc. Accept the Modification?
a.	Modified: 4.9.1	Accept
b.	New: 5.7.7	No
c.	New: 4.2 side bar text "The Mimico Neighbourhood"	Accept
d.	New: 3.2.1 (g) side bar text "Avenues & Mid-Rise Buildings Study"	Accept
e.	New: 2.2	Accept
f.	New: 4.2.4 a) vi & vii	Accept
g.	Modified: 4.2.2	Accept
h.	New: 4.2.9, 4.2.10, 5.1.5	No: 4.2.9 Accept: 4.2.10 No: 5.1.5
i.	Modified: 4.2.4 a) (Avenues Mid-Rise Buildings)	Accept
j.	New: 4.2.4 a) side bar text	No
k.	New: 4.2.4 b) ix (Tall Buildings)	Accept
l.	Modified: 4.2.4 c) i (Lake Front Tall Buildings)	No
m.	New: 4.2.4 e)	No
n.	Modified: 4.4.5	Accept
o.	New: 4.4.11 side bar text	No
p.	New: 4.4.10, 4.4.11 & 4.4.12	No: 4.4.10 Accept: 4.4.11 a) & c) No: 4.4.11 b) No: 4.4.12
q.	New: 4.4 side bar text	No
r.	New: 4.4.10 side bar text	No
s.	Renumbering	Accept
t.	New: 4.5.10 & 4.5.11	Accept
u.	New: Site Specific Policy 6.2 (Map 33-9)	Accept
v.	New: Site Specific Policy 6.3 (Map 33-9)	No
w.	Modified: Special Policy 6.1 (Map 33-6)	Accept
x.	New: Map 33-9	No
Modification Phase 1 Order		
Paragraph 32	Modified: Policy 4.2.4 b) viii	Accept
Paragraph 32	Modified: Policy 4.2.4 c) vi	Accept

ATTACHMENT 4

ORDER OF EVIDENCE – PHASE II HEARING

City of Toronto: Additional Settlement Matters, if any

City of Toronto

Martin Gerwin (Mimico Lakeshore Network)

Participant: Abbe Edelson (Ward 6 Community Action Team)

Participant: Mimico Residents Association

Shoreline Towers Inc.

Lakeshore Planning Council

Reply Evidence of City of Toronto

ATTACHMENT 5

CONTACT DETAILS - PARTIES AND PARTICIPANTS

PARTY	CONTACT DETAILS
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Shoreline Towers Inc.	<p>Stephen Waque, Legal Counsel Email: swaque@blg.com Tel: 416 367 6275 Fax: 416 361-2708</p> <p>Pitman Patterson, Legal Counsel Email: ppatterson@blg.com Tel: 416 367 6109 Fax: 416 361 2459</p> <p>Piper Morley, Legal Counsel Email: pmorley@blg.com 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>
Lakeshore Planning Council (incorporated)	<p>Paul Chomik 2943 Lake Shore Blvd West, Toronto, ON M8V 1J5 Tel: 416 251 5412 Tel (2): 905 625 9280 Email: arcticalert2@yahoo.ca</p>

	<p>Peggy Moulder 20 Superior Avenue, Etobicoke, ON M8V 2M6 Tel: 4165039864 Email: moulderpeggy@gmail.com</p> <p><i>Alternative contact:</i> Timothy Dobson 3446 Lake Shore Blvd West Toronto, ON M8W 1N3 Tel: 416 948 1872 Email: timothy_dobson@yahoo.com</p>
<p>Martin Gerwin (Mimico Lakeshore Network) (unincorporated))</p>	<p>c/o Martin Gerwin 20 Miles Road, Toronto, ON M8V 1V3 Tel: 416 503 3736 Email: gerwin40@gmail.com</p> <p><i>Alternative contact:</i> Judith Rutledge Email: jarutledge40@gmail.com</p>
<p>PARTICIPANT</p>	<p>CONTACT DETAILS</p>
<p>Abbe Edelson (Ward 6 Community Action Team) (unincorporated)</p>	<p>30 Harold Street, Toronto, ON M8Z 3R3 Email: abbe@sympatico.ca Tel: 416 604 4166 Tel (Mobile): 416 882 7753</p>
<p>Mimico Resident's Association (incorporated)</p>	<p>Mary Bella 2408 Lake Shore Blvd West PO 14010 Toronto, ON M8V 4A2 Tel: 416 255 9744 Email: info@mimicoresidents.ca</p>

ATTACHMENT 6

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.

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.