

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 08, 2021

CASE NO(S): PL131355
MM160035

The Ontario Municipal Board (the "OMB") and the Local Planning Appeal Tribunal (the "LPAT") is continued under the name Ontario Land Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Local Planning Appeal Tribunal in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Appellant: 1734141 Ontario Limited
Appellant: Aragon (Wellesley) Developments (Ontario) Corp.
Appellant: Building And Land Development Association
Appellant: Catholic Children's Aid Society Of Toronto; and others
Subject: Proposed Official Plan Amendment No. OPA 183
Municipality: City of Toronto
OMB Case No.: PL131355
OMB File No.: PL131355
OMB Case Name: Lee v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellants : Multiple Appellants
Subject: By-law No. 235-2016 – To designate Historic Yonge Street Heritage Conservation District and Historic Yonge Street Heritage Conservation District Plan
Municipality: City of Toronto
LPAT Case No.: MM160035
LPAT File No.: MM160035
LPAT Case Name: 2019284 Ontario Inc. v. Toronto (City)

Heard: June 18, 2021 by video hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
City of Toronto	C. Barnett L. Bisset
KingSett Capital Inc. 2019284 Ontario Inc.	E. Costello
Church Wellesley Neighbourhood Association Inc. Bay Cloverhill Community Association Inc.	I. Flett
Oberon Development Corporation	S. Lampert
University of Toronto	A. Pilkington
Darlon Investments Corporation 10 Wood and Church Inc.	M. Laskin D. Bronskill (not in attendance)
Plazacorp Properties Limited	M. Flowers
Prattas, G.H.A.K.S. & A.	L. Balkos*
RML 9 Isabella Street Limited RML 625 Yonge Street Limited	B. Smith
Mizrahi Development Group (The One) Inc. 1734141 Ontario Limited	K. Vergis-Mayo M. Domovitch

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON JUNE 18,
2021 AND ORDER OF THE TRIBUNAL**

[1] This Case Management Conference (“CMC”) was convened for two related matters:

- A further CMC for PL131355, being appeals under the *Planning Act* related to the Phase 2 hearing of Official Plan Amendment 183 (“OPA”) approved by the

- City of Toronto (“City”) in 2013, being a Site and Area Specific Policy for the area known as North Downtown Yonge; and
- The first CMC for MM160035, being appeals under the *Heritage Act* to the City’s designation in 2016 of the above-noted area as a Heritage Conservation District and adoption of a Plan (together, the “HCD”).

[2] Without objection from any Party regarding Notice, the City’s Affidavit of Service for the giving of Notice of this CMC was marked as Exhibit 1. The Tribunal granted the City’s request to allow the slightly abridged notice period resulting from the short time available to issue Notice after receipt of the Tribunal’s directions, resulting in Notice falling just short of the required 30 days.

HEAR TOGETHER

[3] With the consent of all Parties, and based on the process outlined below, the Tribunal directed that the OPA and HCD will be heard together. The Phase 2 OPA matters are linked with the HCD, and the Parties’ intent to pursue issue reduction or resolution may result in corresponding draft changes to both documents.

PARTY STATUS

[4] In accordance with the Tribunal’s Notice instructions, requests for Party status were filed in advance of this CMC by Church Wellesley Neighbourhood Association Inc. and Bay Cloverhill Community Association Inc. (“community groups”). These community groups were granted Party status previously for the Phase 1 hearing of the OPA and are now Appellants to the HCD. They seek Party status for the Phase 2 hearing of the OPA to advance their interests in heritage planning within the affected area and they anticipate being largely in alignment with the City’s proposals.

[5] The Tribunal granted the community groups Party status to the OPA, without

objection from any Party, in recognition of their continued and relevant involvement with heritage planning within the affected area.

[6] The Brass Rail Tavern, represented by counsel Andrew Porter, expressed potential interest in Party status but did not file a written request form in advance of this CMC.

[7] 173 Ontario Ltd., represented by Mike Domovitch, was under the impression it has Party status in both matters given its appeal to the OPA. As confirmed following this CMC, the Tribunal's record shows no appeal to the HCD. 173 Ontario Ltd. may wish to file a written request for Party status to the HCD as set out below.

[8] The Tribunal directed that any requestors, including those noted in paragraphs 6 and 7, may seek Party or Participant status by filing the requisite form with the Tribunal and all Parties on or before **Friday, July 30, 2021** (a list of all required recipients of such request may be obtained from the Tribunal's Case Coordinator at kimberly.livingstone@ontario.ca). Any Party wishing to oppose a request must file its opposition in writing to the Tribunal by **Friday, August 13, 2021** and the Tribunal's ruling on a request will issue in writing thereafter.

[9] Should the unexpected need arise, the Tribunal will consider a Party's request that a CMC be scheduled to address disputed status requests.

PARTICIPANT STATUS

[10] No requests for Participant status were received.

PROCESS

[11] Following discussion on the potential for further proposed revisions to the remaining OPA policies under appeal and the corresponding matters in the HCD, the

Parties agreed on and the Tribunal directed the following process:

- The City will circulate draft changes to the OPA and HCD to the Parties by **Friday, October 29, 2021**;
- Following further discussions to reduce or resolve issues, each Appellant will provide its Issues List to the City by **Friday, January 7, 2022**;
- The City will circulate a draft Procedural Order to the Tribunal and Parties by **Friday, January 21, 2022**; and
- The next CMC will be held at **10 a.m.** on **Friday, January 28, 2022** by video hearing as set out below. No further notice will be given.

[12] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/820036813>

Access code: 820-036-813

[13] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://www.gotomeeting.com) or a web application is available:

<https://app.gotomeeting.com/home.html>

[14] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(647) 497-9373** or **Toll Free 1-888-299-1889**. The access code is **820-036-813**.

[15] Individuals are directed to connect to the event on the assigned date at the

correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[16] This Member is not seized but will remain available for case management purposes subject to the Tribunal's calendar.

[17] The rulings and directives set out above are so ordered.

"S. Tousaw"

S. TOUSAW
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

