

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 29, 2014

CASE NO(S): PL131355

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

Heard: September 4, 2014 in Toronto, Ontario

APPEARANCES:

Parties

Counsel/Representative*

City of Toronto	S. Haniford and S. Bradley
Sebert Productions Limited	S. Leisk
1734141 Ontario Limited	E. Linden*
KingSett Capital Inc.	E. Costello and K. Kovar (in absentia)
Lanterra Developments (Bay Wellesley) Limited	E. Costello and K. Kovar (in absentia)
Stancorp Properties Inc.	E. Costello and K. Kovar (in absentia)
Aragon (Wellesley) Development (Ontario) Corporation	E. Costello
RML 9 Isabella Street Limited and RML 625 Yonge Street Limited	P. Devine

The Catholic Children's Aid Society of Toronto	D. Baker
Darlon Investments Corporation	D. Bronskill
Wood & Church Inc.	D. Bronskill
Lifetime Developments Ltd.	A. Brown
Building Industry and Land Development Association (BILD)	J. Dawson
Plazacorp Properties Limited	J. Dawson for C. MacDougall (in absentia)
Wellesley Residences Corp.	J. Dawson for C. MacDougall (in absentia)
Tribute (Church Street) Limited	J. Dawson for C. MacDougall (in absentia)
Paul Lee	A. Heisey

**MEMORANDUM OF ORAL DECISION BY JAMES R. McKENZIE ON
SEPTEMBER 4, 2014, AND ORDER OF THE BOARD**

[1] This decision follows a first prehearing conference convened to consider 16 appeals filed against Official Plan Amendment No. 183 ("OPA 183"), which was adopted by the City of Toronto ("City") on November 15, 2013. The appeals have their genesis in s. 17(24) of the *Planning Act*.

[2] OPA 183 is known as the North Downtown Yonge Area Specific Policy 382. It covers that area within Charles Street East and West on the north, Church Street on the east, College Street and Carlton Street on the south, and Bay Street on the west, and includes properties fronting on the east side of Church Street and the west side of Bay Street. Its purpose and effect, described in the City's Notice of Adoption, is to provide a vision and policy framework to guide development within its boundaries that recognises the distinct and varied character of the area. It provides policy direction on various planning matters, including shadows, transition, built form, massing, and height, as well as heritage, parks and open space, the public realm, and urban design.

[3] This proceeding initiated the process of organising the many appeals. As a first step, the appeals were assigned a number to make easier their future referencing. That list is as follows:

<u>Appeal No.</u>	<u>Appellant</u>
1	Sebert Productions Limited
2	1734141 Ontario Limited
3	KingSett Capital Inc.
4	Lanterra Developments (Bay Wellesley) Limited
5	Stancorp Properties Inc.
6	Aragon (Wellesley) Development (Ontario) Corporation
7	RML 9 Isabella Street Limited and RML 625 Yonge Street Limited
8	The Catholic Children's Aid Society of Toronto
9	Darlon Investments Corporation
10	Wood & Church Inc.
11	Lifetime Developments Ltd.
12	Building Industry and Land Development Association (BILD)
13	Plazacorp Properties Limited
14	Wellesley Residences Corp.
15	Tribute (Church Street) Limited
16	Paul Lee

[4] Sharon Haniford, counsel to the City, reported that each appellant's counsel or representative has been contacted to begin identifying draft issues, and that process remains ongoing. She also reported that the City is seeking a confirmation of all status matters and future dates, as well as a direction from the Board to have appeals refined and scoped in order that the City might then, pursuant to s. 17(27) of the *Planning Act*, have confirmed those un-appealed portions of OPA 183 as being in effect.

[5] With respect to status matters, Jane Pepino, counsel to Cresford Capital Corporation, requested party status on its behalf. That request is held in abeyance to give Ms. Haniford and Ms. Pepino the opportunity to confer. Next, and on consent, the Church-Wellesley Neighbourhood Association and Peter Rex are each granted participant status.

[6] With regard to future dates, three are scheduled. First, a teleconference call is scheduled for **November 7, 2014, commencing at 10 a.m.** to address the scoping of appeals. The parties are directed to sharpen their pencils and critically examine their appeals with a view to keeping under appeal only those policies of OPA 183 necessary to safeguard their interests.

[7] Individuals are directed to call 416-212-8012 or Toll Free 1-866-633-0848 on the assigned date at the correct time. When prompted, enter the code 4779874# to be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to Sandra Chan, the Board's Case Coordinator, at 416-326-6776.

[8] Second, a second prehearing conference is scheduled for **March 5 and 6, 2015, commencing at 10 a.m. at:**

**Ontario Municipal Board
655 Bay Street
Suite 1600
Toronto ON M5G 1E5**

[9] Finally, a **four week** hearing to consider the merits of the appeals is scheduled for **August 4 to 28, 2015, commencing at 10 a.m. at:**

**Ontario Municipal Board
655 Bay Street
Suite 1600
Toronto ON M5G 1E5**

[10] No further notice is required for any of the above-noted hearing events.

“James R. McKenzie”

JAMES R. McKENZIE
VICE-CHAIR

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248