

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 23, 2015

CASE NO(S): PL140008

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Pinnacle International (One Yonge) Limited and Pinnacle International (Seven Yonge) Limited
Subject: Application to amend Zoning By-law No. 438-86 - Neglect of City of Toronto to make a decision CR T6.0C6.0R0.0
Existing Zoning: *Site Specific (To be determined)*
Proposed Zoning: To permit the development of six new buildings ranging in height from 39 to 96 containing approximately 3,885 residential units
Purpose: CR T6.0C6.0R0.0
Property Address/Description: 1 and 7 Yonge Street
Municipality: City of Toronto
Municipality File No.: 13 129256 STE 28 OZ
OMB Case No.: PL140008
OMB File No.: PL140008
OMB Case Name: Pinnacle International (One Yonge) Limited v. Toronto (City)

Heard: December 11, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Pinnacle International Ltd.

City of Toronto

Waterfront Toronto

Cycle Toronto

Counsel/Representative*

Patrick Devine, Adrian Frank

Sharon Haniford, Sarah Rogers

Karen Trzaska

Ian Flett

Redpath Sugar Ltd. Calvin Lantz

Daniels Waterfront Ltd and Mark Flowers
Daniels QQE 162 Inc.

Pier 27 Toronto (North) Inc. Chris Tanzola

Liquor Control Board of Ontario Penny Wyger

Participants **Counsel/Representative***

TorStar Corporation Joel Farber

Toronto Island Community Manuel Cappel*
Association

Pinnacle Residents Association Geoffrey Amu*

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON
DECEMBER 11, 2015 AND ORDER OF THE BOARD**

BACKGROUND

[1] This was the first pre-hearing conference (“PHC”) into the Pinnacle International Ltd. (“Pinnacle”) proposal to develop the north portion of the subject lands, numbers 1 and 7 Yonge Street, with three residential towers of 65, 80 and 95 storeys (comprising some 3,000 dwelling units) and the south portion with two office towers of 37 and 22 storeys.

[2] The subject lands total approximately 2.72 hectares (“ha”). For planning purposes, the City of Toronto (“City”) has grouped them with the approximately 4.62 ha Liquor Control Board of Ontario (“LCBO”) lands immediately east of the subject lands and the approximately 1.62 ha Loblaws Co. lands east of the LCBO lands.

[3] The Lower Yonge Precinct Plan, which is expected to be considered by City Council in March 2016, is concerned with the future direction of development on these

lands, that is, the Pinnacle, LCBO and Loblaws lands. The Board was told that Council intends to adopt this Plan as an amendment to the City of Toronto Official Plan.

MATTER BEFORE THE BOARD

[4] The Board was told that Pinnacle first acquired its interest in the subject lands in 2012. Since that time, it has submitted a number of revisions to the original seven-building proposal.

[5] In 2014, Pinnacle appealed the neglect of Council to make a decision on its application to amend Zoning By-law No. 438-86, as amended, and the failure of Council to amend the City of Toronto Official Plan to allow the proposed development.

[6] Patrick Devine, counsel for Pinnacle, told the Board that at some point during Pinnacle's current negotiations with the City, it was discovered that the in-force Official Plan respecting the subject lands was not the current City of Toronto Official Plan, which was approved in 2006 but rather the previous City of Toronto Official Plan, which dates from 1991.

[7] In December 2014, Pinnacle re-submitted its applications, which were further revised in November 2015.

FUTURE EVENTS

[8] A further PHC is scheduled to begin at **10 a.m. on May 26 and 27, 2016**, at:

**Ontario Municipal Board
655 Bay Street,
16th Floor
Toronto, ON M5G 1E5**

[9] The Board was alerted to the fact that a decision respecting the Lower Yonge Precinct Plan will have an impact in the present proposal. Sharon Haniford, counsel for the City of Toronto, informed that Board that it is anticipated that the Lower Yonge Precinct Plan will be adopted as an amendment to the current (2006) City of Toronto Official Plan in March 2016.

[10] The Board would also urge the Parties to prepare a consolidated Issues List for consideration at this next PHC on May 26 and 27, 2016. The Board reminds the Parties that a workable Issues List is a necessary pre-requirement for the 10-day hearing scheduled to begin at **10 a.m. on Monday, October 24, 2016, to be held at:**

**Ontario Municipal Board
655 Bay Street,
16th Floor
Toronto, ON M5G 1E5**

[11] No further notice is required.

[12] This Member is not seized.

"C. Hefferon"

**C. HEFFERON
MEMBER**

If there is an attachment referred to in this document,
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Ontario Municipal Board

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