

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: April 26, 2021

CASE NO(S): PL140860

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

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 10 QEW Inc. et. al.
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Multiple Appellants
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 31(2) of the *Local Planning Appeal Tribunal Act*, S.O. 2017, c. 23, Sched. 1, as amended

Motion By: City of Toronto
Purpose of Motion: Settlement Order
Property Address/Description: 459 Eastern Avenue
6 Lloyd Avenue et al
85 Hanna Avenue
Downsview Area Secondary Plan
Municipality: City of Toronto

LPAT Case No.: PL140840
 LPAT File No.: PL140860

PROCEEDING COMMENCED UNDER subsection 31(2) of the *Local Planning Appeal Tribunal Act*, S.O. 2017, c. 23, Sched. 1, as amended

Motion By: City of Toronto
 Purpose of Motion: Request for Direction and Determination
 (Phased Hearing for Site Specific Appellants)
 Municipality: City of Toronto
 LPAT Case No.: PL140860
 LPAT File No.: PL140860

Heard: April 9, 2021 by video hearing

APPEARANCES:

Parties

Counsel

City of Toronto

A. Biggart
 K. Matsumoto
 A. deBacker
 C. Kapelos

10 QEW. Inc.

K. Sliwa

2 Champagne Centre Ltd.

J. Evola (S. Liesk)

Seneca College

N. Smiley

First Capital Management CP
 REIT
 Choice/Loblaws

D. Neligan

Morguard Investments Limited
 Revenue Properties Company
 Limited

J. Shapira

Amexon et al
 Realty Inc
 Humberview Motors et al.

M. Flynn-Guglietti

Multiple Appellants
 Firma Developments, et. al.

B. Horosko

Carlaw Industrial Centre	L. Longo
Salvation Army in Canada	J. Debono
Leslie Lakeshore Developments Inc. (CRAFT)	I. Kagan G. O'Brien, Student-at-Law
RioCan Holdings (Queensway), et al. Real Estate Investment Trust Talisker G.P. Inc.	J. Farber
2634698 Ontario Inc. 9 Tippett Road, et al. Multiple Appellants	D. Bronskill
	I. Andres
1695 Eglinton Ave. East Inc. Parkway Automotive Investments Ltd. PAG Realty No. 2 Inc.	M. Flowers
87 Ethel Avenue Holdings Inc.	G. O'Brien (Student-at-Law) (J. Alati)
Brookfield, SEIEA, Redpath Sugar Ltd., TIN, CPA, Krugarand	J. Cheng
1182929 Ontario Inc., et. al.	D. White

MEMORANDUM OF ORAL DECISION DELIVERED BY G. BURTON AND D.S. COLBOURNE ON APRIL 9, 2021 AND ORDER OF THE TRIBUNAL

[1] On April 9, 2021 the Tribunal conducted a Case Management Conference (“CMC”) as well as dealing with a Motion by the City of Toronto (“City”) confirming the conclusion with respect to the Phase 4 Retail and Phase 5 Cultural Policies as well as an issue of mapping and correcting a technical error. The Tribunal orally approved the City’s request with reasons to follow.

[2] The City seeks an Order from the Tribunal confirming the conclusion of Phases 4 Retail and 5 Cultural to Official Plan Amendment (“OPA 231”), and approving an

updated consolidation of OPA 231 that accurately reflects:

1. the policies and non-policy text approved to date by the Tribunal,
2. the policies and non-policy text that would come into effect upon the Tribunal's issuance of a final Order for Phases 4 and 5, and
3. the correct wording of the modification to SASP 531.

[3] The Tribunal has reviewed the City's Motion and the Affidavit of Christina Heydorn at Tab 2, wherein she concludes, in reference to the document set as Exhibit C to her Affidavit:

It is my professional opinion that approval by the Tribunal of the consolidated OPA 231, as modified, including the correction to SASP 531 would represent good planning, conform to the 2006 Growth Plan, be consistent with the Provincial Policy Statement and conform to the intent and purpose of the Official Plan.

[4] The Tribunal has reviewed her Affidavit and supporting documents, including Exhibit C, acknowledged that the 2006 Growth Plan applies, and accepts her opinion and approves of the consolidated OPA 231.

PROCEDURAL MATTERS

[5] The City has requested a day in May for a Motion to deal with Appeals where no response was filed to the triage requests made to parties, (upgrade of appeals, and time requirements) as required by the Tribunal's decision of March 4, 2021. The Tribunal has set the date for **Thursday, May 6 2021**.

[6] The City also requests a further CMC in September, to deal with site-specific Appeals. The Tribunal has set the date for **Friday, September 10, 2021**.

[7] This panel is seized of the prehearing procedures. The CMCs are scheduled to proceed by video as follows:

Thursday, May 6, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/778504725>

Access code: 778-504-725

Audio-only telephone line: (647) 497-9373 or Toll Free 1-888-299-1889

Audio-only access code: 778-504-725

Friday, September 10, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/144618437>

Access code: 144-618-437

Audio-only line: (647) 497-9373 or Toll Free 1-888-299-1889

Audio-only access code: 144-618-437

[8] 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.

[9] 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](#) or a web application is available:

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

[10] 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.

[11] 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.

[12] The City also requests hearing time in order to deal with the Phasing established March 4, 2021. The Tribunal acknowledges requests for the following number of hearing days, and has now requested the calendar to set them. Dates will be then fixed, and the Parties informed when this is completed.

- Phase 6 A - 8 Oak Street has already been set, as described in the Tribunal Memorandum of March 4, 2021.
- Phase 6 B - North East Scarborough – The parties and City request 13 days.
- Phase 6 C – South West Etobicoke - The request is for 50 days
- Phase 6 D – Liberty Village - The request is for 10 days
- Phase 6 E - Core Employment to General Employment - The request is for 12 days
- Phase 6 F - Large Format Retail - The request is for 27 days
- Phase 6 G - Site-specific appeals - the request is for 234 days.

[13] The sessions cannot be heard simultaneously, and there should be two weeks between each Phase. The Tribunal will so advise the calendar.

"G. Burton"

G. BURTON
MEMBER

"D.S. Colbourne"

D.S. COLBOURNE
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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