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

Ontario

ISSUE DATE: August 16, 2018 **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

Appellants:	Multiple Appellants
Subject:	Proposed Official Plan Amendment No. 231 (Phase 1B - Part IV)
Municipality:	City of Toronto
OMB Case No.:	PL140860
OMB File No.:	PL140860
OMB Case Name:	A. Mantella & Sons Limited v. Toronto (City)

Heard: August 8, 2018 at Toronto, Ontario

APPEARANCES:

Parties	**Counsel**
See Attachment 1	

MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON AUGUST 8, 2018 AND ORDER OF THE TRIBUNAL

[1] This Decision is with respect to various motions and matters and reasons for decision regarding the motion by Nova-Depot Corporation, Royal-Nova Corporation and Silver Steeles Corporation.

[2] This was a further Pre-hearing Conference ("PHC") in the ongoing case management of the appeals against City of Toronto ("City") Official Plan Amendment 231 ("OPA 231").

[3] As on previous occasions, the PHC was to address certain procedural matters and to entertain various motions. In this instance, there were two motions of adjournment, four settlement motions, a confirmation motion (which seven motions were uncontested and on consent) and a contested motion for party status.

[4] Various of the City Notices of Motion did not strictly adhere to the minimum notice requirements under the Tribunal's *Rules of Practice and Procedure* and specific relief was requested in each where there was non-conforming service seeking an abridgement of time for service. As there appeared to be knowledge amongst the Parties present on the return of the Motions of the City's various Motions and no objection having been filed with the City or the Tribunal, the Tribunal hereby confirms Orders of abridgement to the time of service to equate to the actual time of service for each such Motion.

Scheduling of a Further PHC

[5] At the request of the City, a further PHC date was sought to be scheduled in order to deal with the ongoing management of the hearing phases and settlement or other matters that emerge through the City's dealings with the appellants.

[6] There is, and remains, a previously scheduled PHC for Thursday, September 20, 2018, notice for which was given by way of the Tribunal's disposition issued July 10, 2018 at paragraph 17.

[7] In response to the request for the fixing of a further date, the Tribunal hereby fixes **Wednesday, January 30, 2019, to commence at 10 a.m.** for a further PHC, to take place at:

Local Planning Appeal Tribunal
655 Bay Street, 16th Floor
Toronto, Ontario

[8] The City shall prepare an agenda for this hearing session to reflect those matters which are intended to be brought before the Tribunal for determination or advice, including motions which have been properly served by other Parties, and shall serve a copy of the agenda on all Parties and Participants to this proceeding, and the Case Co-ordinator at the Tribunal, prior to the hearing session.

[9] No further notice of this PHC will be given.

[10] This Member shall be seized of the ongoing case management.

The Motions for Adjournment

[11] Arising out of the PHC which took place on February 13 and 26, 2018, the formal disposition of which was issued on April 19, 2018, at paragraph 12 of that disposition, there were four motions which were adjourned to this PHC. Two of those motions were addressed this day as consent motions for adjournment.

[12] Lakeshore Planning Council Corporation is seeking party status with respect to the appeal respecting 2150 Lakeshore Boulevard West. This is a site specific appeal and will be heard later in the process. Peggy Moulder was present on behalf of Lakeshore Planning Council Corporation. The Tribunal encouraged Ms. Moulder to have a discussion with David Neligan, counsel for the owner of 2150 Lakeshore Boulevard West, as it appeared that there may be opportunity for further discussion and possible resolution of issues.

[13] As a result of that discussion, Ms. Moulder has consented to adjournment of her Corporation's request for party status to a later date on the understanding that this consent is entirely without prejudice to seek that status at the later date. That

adjournment is granted by the Tribunal, the motion to come on at a future date to be fixed by the Tribunal.

[14] Douglas Allen is a paralegal representing Sina Majidi, the owner of a property at 1111A Finch Avenue West. He has brought a motion for party status in this proceeding. He has requested an adjournment of that motion, apparently on the basis of some parallel process which he is pursuing concerning the obtaining of information. The City consented to the request. That adjournment is granted by the Tribunal, the motion to come on at a future date to be fixed by the Tribunal.

The Ice Arenas Settlement

[15] Arising out of the mediation exercise with respect to sensitive uses within Employment Areas, and operating on the understanding that generally commercial recreation uses are characterized as sensitive uses, it was resolved that ice arenas should be deleted from the identified permitted uses within Employment Areas.

[16] The affidavit evidence indicated that, in fact, the recent demand for ice arenas has declined and that there are only two current proposals for new arenas in process, one being a City project involving relocation of the Don Mills Civitan Arena and the other being a private proposal at 756 Warden Avenue.

[17] The owners of 756 Warden Avenue are Albatross Consulting Inc. and Super View International Inc. They were represented at this proceeding by Patricia Foran. As the modification involves deletion of a use which was incorporated in the adopted form of OPA 231, the proposed deletion of that use at this time could potentially be prejudicial to Ms. Foran's clients. However, Ms. Foran has had discussions with the City and an understanding has been struck which is satisfactory to each party.

[18] The lands at 756 Warden Avenue are currently zoned to permit, amongst other uses, an ice arena. Ms. Foran's clients have an application in for site plan approval on that site to develop it for mixed use buildings, one of which will include two ice pads

along with offices and a fitness centre, which was accepted as a complete application on March 16, 2018, but do not yet have formal site plan approval or a building permit.

[19] In order to address the matter, Ms. Foran sought Participant status. This was not opposed by the City. The Tribunal granted her clients Participant status in order to make submissions and address the issue.

[20] Entered as Exhibit 1 in the proceeding was a letter dated August 2, 2018 from Ms. Foran to Andrew Biggart and Tina Kapelos, counsel to the City on the OPA 231 proceeding, which acknowledges the advice which was given to City Council by Planning Department staff, and endorsed by City Council at its meeting on March 26 and 27, 2018, that this ice arena (the two pads) should be treated as 'grandfathered' and that the current deletion of ice arenas from OPA 231 as a permitted use will not prevent her clients from completing development approvals on that site for an ice arena use.

[21] On the basis of this comfort letter, Ms. Foran did not register an objection to the proposed modification to delete ice arenas as a permitted use in Employment Areas. There being no other objection to the proposed modification, and having affidavit evidence confiming Provincial Policy Statement, 2014 ("PPS") consistency and Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan") conformity, the Tribunal will allow the City's motion and authorize this modification.

The Hotels Settlement

[22] Also arising out of the mediation exercise with respect to sensitive uses within Employment Areas, and in specific response to the appeal filed by Mondelez Canada Inc., the City brought a motion to modify the permitted uses within Employment Areas to delete hotel use, save and except with respect to hotels within a bounded area proximate to Toronto Pearson International Airport.

[23] The affidavit evidence disclosed that, in fact, outside of the airport proximate area, there are relatively few hotels within Employment Areas and that there have not been applications for them for many years. By contrast, the owners of certain hotel sites within Employment Areas have sought conversion of the land use designation to permit other uses.

[24] The concern of the appellant, Mondelez Canada Inc., is that hotel use may be subject to impacts from employment use which may lead to complaints and that this is inconsistent with the policy to protect employment uses.

[25] The affidavit evidence clearly asserts that having hotels in proximity to the airport is well established and is significantly airport supportive and of advantage to the local economy. The issue of the impact of employment uses on this sensitive use is somewhat blunted in the area around the airport due to the presence of ambient ongoing aircraft noise.

[26] The motion brought by the City sought to delete the word “hotels” from Policy 2 of s. 4.6 Employment Areas and to introduce into Chapter 7, Site and Area Specific Policies, a new Site and Area Specific Policy 531, the purpose of which new policy will be to expressly permit hotels in the area generally bounded by Highways 427, 401 and Rexdale Boulevard.

[27] Having read the affidavit of Christina Heydorn, hearing the submissions of counsel, there being no objection filed or raised, the Tribunal is satisfied that the modification is consistent with the PPS, conforms with the Growth Plan and represents good planning.

[28] The Tribunal allowed the motion and approved the modifications noted.

The Celestica Site Settlement

[29] What is referred to as the Celestica Site are the lands at 844 Don Mills Road and 1150 Eglinton Avenue East. Celestica International Inc., the owner, through its agent, Lifetime Pearl Street Inc., has been dealing with the City in preparing for the reformation of these lands.

[30] This appeal was the subject matter of prior dispositions and orders of the Tribunal, the last through the decision of Vice Chair Makuch issued on April 19, 2018, which arose out of a PHC held on February 13 and 26, 2018.

[31] The matter of the Celestica lands is dealt with at paragraphs 44 through 58 of that Decision. Essentially, in order to implement the new development scheme, the westerly portion of the lands was converted out of Employment Area to a Mixed Use designation and the site was made subject to a replacement Site and Area Specific Policy 511 (which displaced Site and Area Specific Policy 394 relating to the Celestica lands).

[32] Vice Chair Makuch's disposition clarified that workplace daycares are permitted uses on the site.

[33] The current City motion seeks to achieve both a refinement to the land use designations and a further clarification. On the land use front, the present motion seeks to modify the Land Use Plan for the site to re-designate the northerly portion of the Employment Area designation to Parks and Open Space Areas - Parks (being the area where the park and community centre are proposed to be located) and to confirm that an ice arena, workplace daycare and/or a fitness centre may be located within a community centre and that such spaces will be counted toward the minimum 70,000 square metres of non-residential gross floor area which is required at full build out.

[34] The Tribunal had a concern with the fashion in which the boundary line between uses was depicted on the Land Use Plan, which the City undertook to remedy in accordance with the Tribunal's direction.

[35] Having read the affidavit of Jeffrey Cantos, hearing the submissions of counsel and there being no objection filed or raised, the Tribunal is satisfied that the proposed modifications are consistent with the PPS, conform to the Growth Plan and represent good planning and will, accordingly, approve them.

The Unilever Site Settlement

[36] For present purposes, what is being referred to as the "Unilever Site" is composed of lands municipally known as 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue (it is parenthetically noted that provision has been made in the policy for facilitative official plan amendments on adjoining lands subject to conditions set forth in the policy).

[37] The Unilever Site was the subject of Site and Area Specific Policy 426 ("SASP 426") in OPA 231. The intention of SASP 426 was to set the table for a comprehensively planned, intensified employment precinct, fully integrated and connected to the surrounding area, encompassing a broad variety of non-residential land uses.

[38] As those lands though are within a Special Policy Area as referred to in Policy 3.1.4 (a) of the PPS, being within the Lower Don floodplain and subject to the hazard of flooding, any change or modification to the official plan policies affecting such lands must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to approval authority approval.

[39] The approval authority in the case of OPA 231 is the Minister of Municipal Affairs and Housing. OPA 231 is before the Tribunal by reason of the multitude of appeals filed with respect to the Notice of Decision issued by the Ministry. In the case of SASP 426,

the Notice of Decision indicated that the Minister's decision was withheld, a situation which is colloquially referred to as a non-decision. However, Janice Page, counsel for the Ministry of Municipal Affairs, articulated to the Tribunal that it is the position of the Ministry that for the purposes of s. 17(36) of the *Planning Act* ("the Act"), a withholding of decision is treated as a refusal, that the disposition with respect to SASP 426 is properly before the Tribunal and that the Tribunal has jurisdiction to deal with it.

[40] Without engaging in a full review of the background, discussions have been occurring between the City, the landowners, the Ministries and the Toronto and Region Conservation Authority since adoption of OPA 231 concerning SASP 426. That has happily culminated in an accord amongst those parties which results in certain modifications to SASP 426 along with an approval from the Ministers as required by Policy 3.1.4 (a) of the PPS to the modified form of SASP 426.

[41] This approval is buttressed by the filing of O. Reg. 388/18 on July 20, 2018, made under the *Building Code Act*, which authorizes a chief building official to issue building permits within the Special Policy Area subject to satisfaction of various matters which are enumerated in the Regulation.

[42] The joint Ministerial approval emanates from the settlement of a Protocol between the City and the Province in April, 2018. The Tribunal was urged by counsel to incorporate in this disposition the premises/conditions which underlay that Protocol. To that end, key portions of text from the letter dated July 20, 2018 from Minister of Municipal Affairs and Housing Steve Clark to Mayor John Tory are here reproduced:

> As you know, the Protocol Regarding the Lower Don Special Policy Area ("the Protocol") was signed by the City of Toronto and the Province in April 2018. An amendment to Ontario's Building Code to restrict occupancy in the Lower Don area was recently made. The Protocol sets out steps to coordinate and sequence approvals for new and intensified development in the Lower Don SPA, concurrent with flood protection infrastructure to address flood risk and public health and safety, and property damage. Flood protection infrastructure is anticipated to unlock future development potential, generate jobs and drive innovation.
>
> In accordance with the Protocol, the public authorities rely on the Toronto and Region Conservation Authority ("TRCA") to determine when the flood

protection infrastructure is deemed complete and functional, and at the Province's request, the hydraulic modelling carried out by or on behalf of the TRCA will be peer reviewed and verified by an independent, professional engineer.

I am pleased to inform you that the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry approve the policy changes as proposed in SASP 426 to OPA 231 and OPA 411, subject to the following:

a. As a condition of development approval, the City shall advise proponents of development in the Lower Don SPA of the risks associated with the construction of buildings and/or structures in advance of flood protection infrastructure being complete and functional.

b. The City shall require that proponents of development seeking approvals in advance of flood protection infrastructure being complete and functional:

    i. prepare an Emergency Management Plan to the satisfaction of the City, in consultation with TRCA, addressing the protection of human health and safety and the protection of property (site, buildings, equipment) during and after construction until the TRCA has confirmed in writing that the site is permanently flood protected; and

    ii. enter into an agreement(s) with the City that:

        A. addresses the protection of public health and safety, the protection of property, the acceptance of all risk by the proponent and the removal of any liability for public authorities; and

        B. includes a complete indemnification, to the satisfaction of the City in consultation with the TRCA and MMAH/MNRF, of all public authorities from any liability and costs, including those due to (i) property damage, injury or loss of life due to flooding during and after construction until the flood protection infrastructure is complete and functional from a flood plain management perspective; and, (ii) losses due to delay caused by a failure of the flood protection infrastructure to be completed or to be completed within the anticipated time frame.

c. The City and other public agencies shall monitor and maintain the flood protection infrastructure to confirm its continued function in accordance with the approved design, such that it provides permanent protection against future increases in regulatory flows and levels in the Lower Don area.

[43] Based upon the foregoing and having read the Affidavit of Jeffrey Cantos, the Tribunal is satisfied that the proposed modifications set out in the City's Notice of Motion with respect to the Unilever Site are consistent with the PPS, conform with the Growth Plan and represent good planning in the public interest.

[44] It should be acknowledged that the integrity and success of the planning for this area will depend upon strict and rigorous adherence to the Protocol and associated requirements in the planning instruments. On the premise that the execution of the development programme will so adhere, the Tribunal will approve the requested modifications.

Conclusion of Phase 1B Proceedings

[45] In the interest of housekeeping and for the benefit of the general public, the City brought a Notice of Motion to have the Tribunal confirm the prior approvals rendered with respect to the various OPA 231 appeals disposed of up to, and including, this hearing session, and the consequent modifications to OPA 231.

[46] In this regard, the City has prepared a consolidated, and highlighted, version of OPA 231 reflecting the modifications to date. This consolidated document is meant to confirm those policies which are in full effect on a City-wide basis, and by highlighting, to confirm those policies which continue to be under appeal and not yet in effect. This is further subject to the caveat that this is without prejudice to the various site specific appeals which have not yet been dealt with.

[47] The formal Order of the Tribunal to endorse this consolidation will issue with the agreed upon caveats and reservations which have been used throughout the proceeding upon receipt from the City of the finally revised consolidation (as there were a variety of modifications directed during the hearing session).

[48] With the matters dealt with at this hearing session, the Phase 1B portion of the appeal hearing is now concluded and, subject to the reservations with respect to the site specific appeals, those issues identified under Phase 1B shall be treated as now concluded.

The Nova Depot Motion for Party Status

[49] This was a contested motion. This was a motion by Nova-Depot Corporation, Royal-Nova Corporation and Silver Steeles Corporation (collectively “Nova Depot”), collectively the owners of 4711, 4723 and 4733 Steeles Avenue East respectively (“the Sites”), seeking party status in this proceeding regarding OPA 231.

[50] The Motion material (the original Motion Record, the City Notice of Response and the Reply Motion Record) was extensive. For the purpose of this disposition, the background, the issues and the rationale will be rendered succinctly.

[51] The Sites are presently improved with six retail commercial buildings. Their primary access is from Steeles Avenue East, a major arterial boundary road between Toronto and Markham. There is much traffic on Steeles Avenue East and the businesses on the Sites have, through their signage and bulk, a presence. Nova Depot contends that this presence is essential to the ongoing vitality of the businesses located there.

[52] Immediately adjacent to the west is a Metrolinx rail corridor which operates as the Stouffville line of GO Transit, being one of Metrolinx’ commuter rail lines. Furthermore, there is a commuter rail station on this line which is located just to the west of the Sites known as the Milliken Station.

[53] Metrolinx has determined that in aid of the Regional Express Rail programme, certain infrastructure improvements are required to its facilities in this area. Those improvements include a grade separation of Steeles Avenue East from the rail corridor. This is being proposed as a road under rail separation and will, as a result, create significant retaining walls along the road allowance boundaries with the abutting properties in the segments where the road will have to be depressed to pass under the rail line.

[54] This road depression and the associated retaining walls will materially affect the view from the road of the Sites for eastbound travellers.

[55] In order to proceed with the improvements, Metrolinx, in conjunction with the City, has completed the Municipal Class Environmental Assessment process. Two "bump up" requests for a Part II Order requiring an individual environmental assessment were rejected.

[56] In order to implement the improvements, Metrolinx requires various property interests and has resorted to the expropriation process. In fact, as it relates to the Sites, Metrolinx requires fee simple and limited property interests. As the Tribunal understands it, the inquiry under the *Expropriations Act* sought by Nova Depot has occurred and affirmed the taking. Metrolinx has registered its plans of expropriation.

[57] The work has not yet begun but the schedule would have it commence in the near term and the projected date of completion would be in 2020.

[58] The Sites are zoned under a former Scarborough Zoning By-law for commercial purposes. Under OPA 231, the Sites are within an Employment Area and are designated General Employment. That designation was not opposed and is now in effect by virtue of a prior Tribunal Order (formerly the Municipal Board).

[59] Nova Depot made no submissions to City Council during the consideration of OPA 231. Nova Depot did not file a Notice of Appeal with respect to OPA 231. OPA 231 was adopted by City Council in December, 2013 and was the subject of the Minister's Notice of Decision in July, 2014. The first that Nova Depot was heard from in this proceeding was by way of its Motion Record dated July 28, 2017. Nova Depot urges upon the Tribunal a liberal reading of s. 17(44.2) 2 of the Act to found its claim for party status, that there are reasonable grounds to grant it.

[60] Nova Depot takes the position that the works being undertaken by Metrolinx will cause significant and material economic harm to the current uses on the Sites and constitute a basis for reconsideration of the highest and best uses for the Sites.

[61] In this regard, Nova Depot turns to the treatment of lands lying to the west of the rail corridor on the south side of Steeles Avenue, which had also been in an Employment Area designation but, as part of the municipal comprehensive review, were authorized for conversion to Regeneration Area, and were subsequently the subject of a further official plan amendment to re-designate them as Mixed Use Area and to zone those lands in accordance with that designation. In fact, that last planning step, the official plan and zoning amendments, are currently under appeal and being heard by the Tribunal. However, the conversion from Employment Area to Regeneration Area was concluded and came into effect.

[62] Nova Depot turns to these planning actions and submits that these are appropriate planning actions in and around this major transit station area and that they should equally be able to have resort to that type of planning reconsideration, especially in light of the expropriation by Metrolinx and its effect on the Sites.

[63] The problem, obstacle, which they perceive is the restraint in the Act whereby lands cannot be removed from an Employment Area designation except as part of a municipal comprehensive review (“MCR”) as is set forth in s. 22(7.3) of the Act. As the City undertook a MCR leading up to the adoption of OPA 231, their concern is that the opportunity to be heard in such an exercise will involve significant delay before the next MCR comes along, despite the obligation in the statutes (the Act and under the Growth Plan) to undertake such reviews on a five year basis.

[64] Nova Depot takes the position that they had no foreknowledge of the steps which would be taken by Metrolinx and could not have envisaged the new circumstances back in 2013 when OPA 231 was under Council review.

[65] The position being advanced by Nova Depot is that OPA 231 is deficient in not having a policy provision which deals with lands subject to expropriation whereby the action of expropriation may have the effect of rendering them no longer appropriate for employment uses. In their view, this should be a circumstance which the policy should recognize and allow for consideration of conversions to other uses prior to a MCR.

[66] Counsel for Nova Depot seeks to found his argument on the basis that there are at least 40 appeals which have been filed which concern City-wide objections to OPA 231 and that they should effectively be able to shelter under one or more of those appeals to advance their position about the policy omission which they wish to have rectified. When asked by the Tribunal to identify any one of those appeals where this particular issue is being advanced, Christopher Williams was not able to do so. As such, the usual understanding about sheltering, which is a pre-requisite to being accorded Party status in the absence of an in-time valid appeal, cannot be made out in this case.

[67] Mr. Williams further acknowledges that his clients will have the full benefit of the compensation provisions under the *Expropriations Act* and to the extent that the acquisitions by Metrolinx result in injurious affection or business loss, his clients will be able to avail themselves of those remedies. In response to this observation, Mr. Williams purports to take the high road by asserting that it would be preferable in the interest of the public purse that planning policy relief would be a better outcome for all than monetary compensation by Metrolinx to his clients.

[68] Mr. Williams, in a similar vein, purports to found this motion on an apprehension that his clients may be subject to criticism, and consequent abatement of compensation, by Metrolinx for not pursuing all available avenues to achieve mitigation of damages. In his view, a re-designation of the Sites out of Employment Area may result in a greater market value of the Sites and there may be an expectation by Metrolinx that this avenue be pursued. Such an argument may be conceivable but the Tribunal hastened to observe that Metrolinx did not appear on this motion seeking to be heard or file any

material in support of it. As such, perhaps any such obligation on the part of Nova Depot, which the Tribunal does not necessarily in this case acknowledge, has been discharged by the bringing of this motion.

[69] Of course, the Tribunal makes no determination on the planning aspects of what is being proposed by Nova Depot. No evidence was here adduced that such a conversion is warranted or that the current designation is inappropriate and the Tribunal makes no such findings.

[70] The request by Nova Depot is not for site specific relief but for the inclusion of a discrete new policy to deal with process requirements in the circumstance of expropriation of Employment Area designated lands.

[71] The City opposes the request. Many of the City's grounds are reflected in the commentary above. The designation of the Nova Depot lands is now closed. This is a brand new issue which has not been raised at any time in the consideration of the matter before City Council or here at the Tribunal.

[72] Mr. Biggart particularly seizes on this last point in arguing that if what is being sought is indeed a City-wide policy, that should properly be a matter communicated to the public at large for consideration and input before Council in order to have the benefit of the spectrum of perspectives on it and then the making of a decision. An appeal hearing at the Tribunal will not ensure that full spectrum of input and it is therefore flawed in terms of process and respect for public notice of proposed planning actions.

[73] Mr. Biggart argues prejudice in that the City has attempted to follow a careful and managed process of dealing with the multitude of appeals on this matter. To allow a fresh appeal in does violence to that careful management and may prolong the process.

[74] In this regard, the Tribunal sees this proposed late grant of party status under these circumstances as creating a situation where it may open the door to any number

of further such requests on the basis of circumstances changed from 2013. There are insufficient bases here to justify this request for party status.

[75] By way of response to the allegation by Nova Depot regarding delay, the City advises that the next MCR regarding Employment lands is to start in 2019 and that there is a statutory mandate to have it concluded within three years, which would be 2022. In the scheme of things, the Tribunal does not treat this as an inordinate delay.

[76] Mr. Biggart further rightfully submits that even if Nova Depot is not accorded party status in this proceeding, that does not preclude discussions now taking place with a view to addressing the planning matters which Nova Depot asserts affect its Sites and working out a solution.

[77] The Tribunal, after consideration of all of the filed material, and hearing the submissions of counsel, prefers the position of the City and will dismiss the Nova Depot motion for party status.

[78] This is the Order of the Tribunal on the Nova Depot Motion.

"*Gerald S. Swinkin*"

GERALD S. SWINKIN
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.

ATTACHMENT 1

PRE-HEARING CONFERENCE OF AUGUST 8, 2018

COUNSEL	**PARTY/PARTICIPANT* OR OTHER+**
Janice Page Clair Young	Ministry of Municipal Affairs and Housing
Dennis Wood	Morguard Investments Ltd. Revenue Properties Company Limited
Katarzyna Sliwa	10 QEW Inc. Midland Corporate Centre Saricka Investments Limited
Calvin Lantz	Toronto Industry Network
Mary Bull	Mondelez Canada Inc.
Brendan Smith	Building Industry Land Development Association Lifetime Pearl Street Inc. 1147390 Ontario Limited Queens Quay Avante Limited
Roslyn Houser	First Gulf Don Valley Limited Don Valley Eastern IV Limited Don Valley Eastern V Limited
Douglas Allen	1111A Finch Avenue
Naomi Mares	150 Eglinton Avenue Limited 33 Mercer Limited Northam Realty Advisers Ltd. Menkes Birmingham Street Inc.
Carina Capmare on behalf of Signe Leisk	The Governing Council of the University of Toronto May Flower Landscaping Design Ltd.
Meaghan Barrett	(Planet Fitness) 4711 Steeles Fitness Limited Partnership+

Patricia Foran	Super View International Inc.* Albatross Consulting Inc.* Leslie Lakeshore Developments Inc.
Patrick Harrington	Satin Finish Hardwood Flooring Inc. (8 Oak Street)
David Neligan Christopher Williams	First Capital Nova Depot Corporation
Greg Smith for Daniel Artenosi	2053785 Ontario Inc. Dream Asset Management Corporation The Symington Holdings Ltd.
Greg Smith for Christopher Tanzola	Independent Order of Foresters
Andrew Biggart Tina Kapelos	City of Toronto
Peggy Moulder	Lakeshore Planning Council Corporation