

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: July 20, 2015

CASE NO(S): PL141371

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

Applicant and Appellant:	Yorkville East Developments Ltd.
Subject:	Application to amend Zoning By-law No. 438-86 – Neglect or Refusal of application by City of Toronto to make a decision
Existing Zoning:	CR T4.0 C2.0 R4.0
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit 49-storey mixed use building fronting onto Bloor Street East and a 12-storey residential building fronting onto Selby Street with a 1-storey link
Property Address/Description:	387-403 Bloor Street East and 28 Selby Street
Municipality:	City of Toronto
Municipal File No.:	12 290796 STE 7 OZ
OMB Case No.:	PL141371
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OMB Case Name:	Yorkville East Developments Inc. v. Toronto (City)

Heard: by telephone conference call July 16, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Yorkville East Developments Inc.

K. Kovar

City of Toronto

M. Crawford

MTCC 1021

R. Kanter

505896 Ontario Limited

A. Heisey

MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON JULY 16, 2015

[1] The Ontario Municipal Board (“Board”) has convened this teleconference call (“TCC”) to hear details of a settlement between the Applicant/Appellant, Yorkville East Developments Ltd. (“Appellant”) and the City of Toronto (“City”) as well as settlement details between the Appellant and 505896 Ontario Limited – all in respect of the Appellant’s Zoning By-law Amendment (“ZBA”), which will rezone 387-403 Bloor Street East and 28 Selby Street (subject property) to permit the construction of a 52-storey, mixed use commercial/residential building fronting onto Bloor Street East and a 10-storey, mixed use commercial/residential building fronting onto Selby Street.

[2] Counsel, Kim Kovar, represents the Appellant. Ms. Kovar noted for the Board a reduction in a height portion of the new structure from 18.5 metres to 17.75 metres (Tab E, Map 2, page 8 of the Appellant’s document book on file). In agreement with Metropolitan Toronto Condominium Corporation No. 1021 (“MTCC 1021”), the Appellant agrees to design and create this area as a green roof, prohibiting residential uses thereon and ensuring that no heating ventilating and air conditioning (HVAC) unit will be placed thereon. On this basis, MTCC 1021 does not object to the settlement presented at this TCC hearing.

[3] The Appellant has filed with the Board the necessary supporting materials including a planning affidavit from Robert Glover, which the Board read in advance of the hearing. Mr. Glover attended this TCC hearing to speak to any planning issues and/or details that might arise in the course of the event.

[4] As settlement materials were filed and as these relate directly to a detailed agreement with participant, 505896 Ontario Limited, owner of adjacent lands at 365 Bloor Street East, the Board grants party status to this numbered company for the purposes of adjudicating these matters.

[5] Agent Linda Brett appeared on behalf of a participant, Bloor Street East Neighbourhood Association Inc. Other participants to the first pre-hearing conference

included Brian Bagley and agents for the Upper Jarvis Neighbourhood Association and Capreit; none of these participants participated in the TCC despite being invited to do so.

[6] City Council reviewed the Appellant's revised proposal at its July 7, 2015 meeting and determined that the City could enter into Minutes of Settlement with the Appellant. It was Mr. Glover's uncontested affidavit evidence that the revised proposal represents good planning and these Minutes of Settlement facilitate development of the subject property in the manner contemplated. Mr. Glover provided his opinion that approval of the ZBA is consistent with the relevant redevelopment and intensification policies of the 2014 Provincial Policy Statement and the Greater Golden Horseshoe Growth Plan and it conforms with the relevant policies of the City's Official Plan. Relevant policies and passages from these planning instruments were provided in the planner's affidavit. The Board was persuaded by the planner's affidavit evidence that the ZBA (both in this form and its final form) represents good planning.

[7] The appeal is allowed. The Board withholds its Order pending notification to it of the Appellant's completion of items 2a through 2g as enumerated in the City-adopted Planning Division Report dated July 7, 2015 (Tab D of the Appellant's document book on file).

"R. Rossi"

R. ROSSI
MEMBER

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

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