

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 25, 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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Heard: April 2, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Yorkdale East Developments Inc.

K. Kovar

City of Toronto

M. Crawford

MTCC 1021

R. Kanter

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON APRIL 2, 2015
AND ORDER OF THE BOARD**

[1] The Applicant/Appellant, Yorkdale East Developments Ltd. (“Appellant”) has appealed to the Ontario Municipal Board (“Board”) the failure of the City of Toronto to make a decision on its Zoning By-law Amendment (“ZBA”), which seeks to rezone the subject property to a site specific zoning that would permit, in the proposal’s current iteration, a 49-storey mixed use building fronting onto Bloor Street East and a 12-storey residential building fronting onto Selby Street with a one-storey link.

[2] MTCC 1021, represented by Counsel Ron Kanter, was made a party to these proceedings now reflected in the Title of Proceedings above. The following entities were accorded participant status at the pre-hearing:

[3] MTCC 1380 and Bloor Street East Neighbourhood Association Inc., represented by their agent Linda Brett (Ms. Brett will undertake to furnish the Board with a letter from the condominium board as soon as possible confirming her authority to represent it);

[4] 505896 Ontario Limited, represented by Counsel James Quigley, will be permitted to seek party status once it advises the Board via e-mail as to the level of its intended participation and is dependent on that level of participation as stated at the hearing;

[5] Upper Jarvis Neighbourhood Association, represented by its agent, association president (and owner of the property at 11 Selby Street) Brian Bagley. The Board advised Mr. Bagley to inform the association that it should incorporate itself for this and future appearances before the Board; and

[6] Capreit, represented by its agent, Trish MacPherson.

[7] The Appellant's Counsel Kim Kovar advised the Board that a revised proposal has been submitted to the City for review and evaluation. Ms. Kovar endeavours to share that revised proposal with the other parties and participants as soon as practicably possible. City Council is expected to review the Appellant's revised proposal at its future July 7, 2015 meeting. City Counsel Mark Crawford anticipates receiving instructions from City Council thereafter and the parties then requested a second pre-hearing conference, which will be used either to inform the Board's hearing process going forward or be used as a settlement hearing.

[8] The parties have requested the second pre-hearing conference to be held on July 16, 2015. Given that the Pan American Games will be in progress in the City at this time, the parties consented to holding this second pre-hearing conference as a teleconference call to avoid travel congestion. The Board has invited the parties and only those participants listed above to join in that call.

[9] On consent, the next teleconference call will take place at **9:30 a.m.** on **Thursday, July 16, 2015**. The call-in number is **(416) 212-8012** or **1 (866) 633-0848**. The call-in code is **4779874#**. No further notice is required and the Member remains seized for administrative carriage of the file.

"R. Rossi"

R. ROSSI
MEMBER

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Ontario Municipal Board

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