

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 07, 2017

CASE NO(S): PL160073

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 3450 Dufferin Yorkdale Holdings Inc.
Appellant: Building Industry & Land Development Association (BILD)
Appellant: C.Y. Vehicle Enterprises Inc.
Appellant: RioCan Management Inc.
Appellant: Oxford Properties Group (Yorkdale Shopping Centre)
Appellant: Dufferin 401 Properties Limited
Appellant: Centura Real Estate Corp. Et Al
Subject: Proposed Official Plan Amendment No. 294
Municipality: City of Toronto
OMB Case No.: PL160073
OMB File No.: PL160073
OMB Case Name: 3450 Dufferin Yorkdale Holdings Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: RioCan Management Inc.
Subject: Request to amend the Official Plan - Refusal of request by the City of Toronto
Existing Designation: Mixed Use Areas
Proposed Designated: Site Specific (To be determined)
Purpose: To permit a redevelopment proposal of two mixed-use towers
Property Address/Description: 3140-3170 Dufferin Street and 60-68 Apex Road
Municipality: City of Toronto
Approval Authority File No.: 15 247805 NNY 15 OZ
OMB Case No.: PL160703
OMB File No.: PL160703
OMB Case Name: RioCan Management Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	3450 Dufferin Yorkdale Holdings Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment
Existing Designation:	Mixed Use Areas
Proposed Designated:	Site Specific (To be determined)
Purpose:	To permit three mixed-use buildings of 37 storeys, 33 storeys and 29 storeys including 1,044 dwelling units and 244 hotel rooms
Property Address/Description:	3450 Dufferin Street
Municipality:	City of Toronto
Approval Authority File No.:	16 216502 NNY 15 OZ
OMB Case No.:	PL170021
OMB File No.:	PL170260
OMB Case Name:	3450 Dufferin Yorkdale Holdings Inc. v. Toronto (City)

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

Applicant and Appellant:	3450 Dufferin Yorkdale Holdings Inc.
Subject:	Application to amend Zoning By-law No. 7625, as amended - Refusal or neglect of the City of Toronto make a decision
Existing Zoning:	Site MC (Industrial Commercial) Exception 35
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit three mixed-use buildings of 37 storeys, 33 storeys and 29 storeys including 1,044 dwelling units and 244 hotel rooms
Property Address/Description:	3450 Dufferin Street
Municipality:	City of Toronto
Municipality File No.:	16 216502 NNY 15 OZ
OMB Case No.:	PL170021
OMB File No.:	PL170021

Heard: May 23, 2017 in Toronto, Ontario

APPEARANCES:

Parties

RioCan Management Inc.

Counsel/Representative*

A. Benedetti

Oxford Properties Group	M. Flowers
Dufferin 401 Properties Ltd.	C. Lyons
C.Y. Vehicle Enterprises Inc.	J. Dawson
Building Industry & Land Development Association (BILD)	J. Dawson
3450 Dufferin Yorkdale Holdings Inc.	K. Kovar
Centura Real Estate Corp. and Cowie Brothers Leaseholds	J. Schwartz
City of Toronto	M. Crawford E. Penner

Participants

Dufferin Eglinton Community Group Inc.	B. Picillo*
Wenderly Park Community Association	J. Nobrega*
Yorkdale West Community Ratepayers' Association	P. Falsetti*
Oz (3338 Dufferin) Inc.	D. Olin*

MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON MAY 23, 2017 AND ORDER OF THE BOARD

[1] Council for the City of Toronto ("Toronto") adopted Official Plan Amendment No. 294 ("OPA 294") following the completion of an "Avenue Study" carried out to examine mixed land use and built form potential along Dufferin Street between Highway 401 to just south of Lawrence Avenue West.

[2] RioCan Management Inc. ("RioCan"), Oxford Properties Group, Dufferin 401 Properties Ltd., C.Y. Vehicle Enterprises Inc., Building Industry and Land Development

Association (“BILD”), 3450 Dufferin Yorkdale Holdings Inc., Centura Real Estate Corp., and Cowie Brothers Leaseholds appealed OPA 294 (the “OPA 294 Appeals”).

[3] RioCan also appealed Council’s refusal of its application for an Official Plan Amendment to permit the re-development of RioCan’s properties at 3140 – 3170 Dufferin Street and 60 – 68 Apex Road (the “RioCan Appeal”).

[4] On October 19, 2016, the first pre-hearing conference (“PHC”) for these matters was held in Toronto. At the PHC, the Board consolidated the OPA 294 and RioCan Appeals and ordered that the hearing of the appeals will commence on October 10, 2017. Twenty days were set aside for the hearing. The Board granted participant status to Dufferin Eglinton Community Group Inc., Dufferin Lawrence Residents’ Association, Wenderly Park Community Association, Yorkdale West Community Ratepayers’ Association, and Angelo Delfino. It also set a further PHC to be held on May 23, 2017 in Toronto.

[5] Subsequent to the first PHC, 3450 Dufferin Yorkdale Holdings Inc. filed site-specific official plan and zoning by-law appeals regarding its property (the “3450 Dufferin Yorkdale Appeals”).

[6] At the PHC held on May 23, 2017, 3450 Dufferin Yorkdale Holdings Inc. requested and the Board granted on consent the consolidation of the 3450 Dufferin Yorkdale Appeals with the OPA 294 and RioCan Appeals.

[7] Dufferin Eglinton Community Group Inc., Wenderly Park Community Association, and Yorkdale West Community Ratepayers’ Association each requested and were granted participant status in the consolidated appeals on consent.

[8] Oz (3338 Dufferin) Inc., which owns property in the area affected by OPA 294, also requested and was granted participant status on consent. It stated that it would serve the parties and file with the Board a written confirmation of authorization for its representative to act in these proceedings.

[9] C.Y. Vehicle Enterprises Inc. (“C.Y. Vehicle”) stated that it and Toronto have a settlement agreement concerning a proposed development at its property at 3130 Dufferin Street. C.Y. Vehicle requested an adjournment *sine die* of the OPA 294 Appeal as it affects C.Y. Vehicle and its property. The Board granted the requested adjournment on consent.

[10] The parties requested that a further PHC be held in these proceedings to permit time for the finalization of the issues list and draft procedural order. On consent, the Board set a further PHC for **Tuesday, July 4, 2017 at 10 a.m.** in Toronto.

[11] The Board ordered that a draft consolidated issues list and draft procedural order be filed with the Board by **June 27, 2017**.

[12] The Board notes that 3450 Dufferin Yorkdale Holdings Inc. may also be filing a draft plan approval appeal with the Board. A request for consolidation of that possible appeal with the matters already before the Board may be raised at the July PHC.

[13] The parties expressed their interests in seeking mediation in these proceedings. The Board suggested that the parties make a written request for mediation to the Board forthwith.

ORDER

[14] The Board orders that:

- a. the 3450 Dufferin Yorkdale, OPA 294 and RioCan Appeals are consolidated.
- b. Dufferin Eglinton Community Group Inc., Wenderly Park Community Association, Yorkdale West Community Ratepayers' Association, and Oz (3338 Dufferin) Inc. are participants in these proceedings.
- c. Oz (3338 Dufferin) Inc. serve the parties and file with the Board forthwith a written confirmation of authorization for a designated representative to act for

it in these proceedings and a list of the issues that it wishes to address at the hearing of the appeals.

- d. the OPA 294 Appeal as it affects C.Y. Vehicle and its property at 3130 Dufferin Street is adjourned *sine die*.
- e. a further PHC will be held on **Tuesday, July 4, 2017** commencing at **10 a.m.** at:

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

- f. the parties file with the Board a consolidated issues list and a draft procedural order by **Tuesday, June 27, 2017**.

[15] No further notice will be given.

[16] This member of the Board is not seized.

“Hugh S. Wilkins”

HUGH S. WILKINS
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.

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
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