

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 04, 2017

CASE NO(S): PL160685

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

Applicant and Appellant:	City Front Developments Inc.
Subject:	Application to amend Zoning By-law Nos. 438-86 and 650-91 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	I2 D7, I3 D7
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the construction of 4 mixed use buildings with 58- and 60-storey buildings on the northern portion of the subject property and 24- and 25-storey buildings on the southern portion of the subject property
Property Address/Description:	400 Front Street West
Municipality:	City of Toronto
Municipal File No.:	15 136961 STE 20 OZ
OMB Case No.:	PL160685
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OMB Case Name:	City Front Developments Inc. v. Toronto (City)

Heard: July 24, 2017 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

City Front Developments Inc.

Max Laskin

City of Toronto

Sharon Haniford

Portland Property Spadina Inc.

N. Jane Pepino

RT Twenty-Sixth Pension Properties Michael Bowman
Ltd.

**MEMORANDUM OF ORAL DECISION DELIVERED BY L.M. BRUCE ON JULY 24,
2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This is the second Pre-hearing Conference (“PHC”) related to the appeal of City Front Developments Inc. (the “Appellant”) application to the City of Toronto (the “City”) to amend Zoning By-law Nos. 438-86, 650-91, and 569-2013. The amendments were requested to permit the development of four mixed use buildings on a 1.13 hectare property located at 400 Front West.

[2] At the first PHC, adjacent landowner Portland Property Spadina Inc. (“Portland”) was granted party status and RT Twenty-Sixth Pension Properties Ltd. (“RT Twenty-Sixth”), which owns a nearby property on Wellington Street West was granted participant status. (Note that in the March 3, 2017 PHC decision, RT Twenty-Sixth had been inaccurately referenced as RT27 Pension Fund.) At the start of the second PHC, RT Twenty-Sixth sought a change in status from participant to party. On consent, the Board granted this change in status.

[3] The purpose of today’s PHC was to schedule a third PHC and the hearing on the merits of the application.

[4] The Board was advised that there are unresolved issues related to parkland dedication for the proposed development. It was the City’s submission that elements of the disagreement are outside the jurisdiction of the Board but may impact the hearing on the merits of the application. The City submitted that they are prepared to agree to the hearing date on the merits, contingent on settling the parkland matter in advance.

[5] The Appellant and City sought 15 days for the merit hearing. However, Ms. Pepino indicated that neighbouring Portland Properties have appealed the City's failure to make a decision on their application for neighbouring 49 Spadina Avenue, which has similar issues including shadow and parkland dedication. She submitted they intend to bring forward a motion to consolidate with PL160685.

[6] Ms. Haniford expressed serious reservations about consolidation of the hearings. At the time of the PHC, the Portland Properties appeal had not been received by the Board. Ms. Pepino indicated that the decision on the appropriateness of consolidation can be tested by motion and asked that the Board set a date to hear for a motion for consolidation. The Board agreed to set a date for a motion hearing and set a 20-day hearing, without prejudice, in the event that the Board allows the motion to consolidate. If the consolidation is not granted, the hearing will be 15 days from the first day of the hearing.

ORDER

[7] The Board orders that:

- a. A third PHC be held on **Tuesday, January 9, 2018 at 10 a.m.**;
- b. A motion hearing for potential consolidation be held on **Wednesday February 21, 2018 at 10 a.m.**; and
- c. A 20-day hearing be held on the merits of the proposed development beginning **June 11, 2018 at 10 a.m.**

[8] Further, the Board orders that RT Twenty-Sixth will be a party to these proceedings.

[9] This Member of the Board is not seized but may be spoken to for case management purposes.

"L. M. Bruce"

L. M. BRUCE
MEMBER

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

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