

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



ISSUE DATE: August 27, 2018

CASE NO(S): PL160771

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

Appellant:	100 Broadway Developments Inc.
Appellant:	100 Ranleigh Inc.
Appellant:	117 Broadway Holdings Inc.
Appellant:	1330192 Ontario Inc.; and others
Subject:	Proposed Official Plan Amendment No. OPA 320
Municipality:	City of Toronto
OMB Case No.:	PL160771
OMB File No.:	PL160771
OMB Case Name:	Akbari v. Toronto (City)

Heard: August 15, 2018 in Toronto, Ontario

APPEARANCES:

Parties

Counsel*/Representative

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN
ON AUGUST 15, 2018**

[1] This was the final Pre-hearing Conference (“PHC”) for Official Plan Amendment 320 (“OPA 320”) before the scheduled commencement of the appeal hearing itself.

[2] In the prior PHC disposition, which issued on June 12, 2018, relating to the PHC held on June 1, 2018, this Member was advised of mediation exercises which were occurring and scheduled, and of the late June City Council meeting at which possible resolution of appeals may be addressed.

[3] The City's counsel was directed by the Tribunal at that session to advise the Parties of the outcome of the late June Council meeting. There was further direction from the Tribunal as to the preparation of a draft Procedural Order and Issues List.

[4] Since that time, the mediation exercises have been concluded and the matter of the appeals were further taken up at a late July, 2018 Council meeting.

[5] As Nathan Muscat, counsel for the City along with Kelly Matsumoto, explained it, the late June Council meeting dealt with seeking endorsement of modifications to the Apartment Neighbourhoods and the Healthy Neighbourhoods policies, and the late July Council meeting dealt with seeking endorsement of modifications to the Neighbourhoods policies. These modifications arose from the mediation exercises with various Appellants and other Parties, and represented modifications which those Appellants indicated would settle their objections to OPA 320.

[6] As a result, apparently many, if not most, of the appeals have been settled, and the City has requested that the block of hearing time for this appeal hearing be shortened and the commencement date altered in order to allow additional time for the preparation of witness and reply statements for the remaining appeals.

[7] The City canvassed these changes with counsel and representatives of the other Parties prior to this PHC and there was consensus on the date changes. Those changes are as follows:

- September 19, 2018 - Witness statements and Participant statements to be exchanged

- September 28, 2018 - Reply witness statements (if any) to be exchanged
- October 2, 2018 - Visual evidence to be exchanged
- October 10, 2018 - Commencement of Hearing

[8] These changes should be treated as now fixed and they are to be reflected in the Procedural Order.

[9] The Parties whose appeals have not been settled were directed to advise Mr. Muscat, in writing, of their issues, as arising from their respective Notices of Appeal, in light of the modified form of OPA 320 which is to be advanced before the Tribunal for approval in the hearing, by no later than **August 22, 2018**.

[10] Based upon the final determination of the issues, Mr. Muscat will put together a final form of Procedural Order, complete with Issues List, and transmit it to the Tribunal and the Parties and Participants on or before **August 24, 2018**, for issuance by the Tribunal as the final Procedural Order.

[11] The Issues List will carry a note that identification of an issue on the list is not to be taken as an acknowledgment or admission that that issue is necessarily relevant or valid, and may thereby be challenged in the proceeding.

[12] Various individuals came forward at this PHC session to advise the Tribunal of their current position.

[13] David Donnelly, who represents Leslie Mews Inc., advised the Tribunal that his client's independent site specific appeal has been heard but that the decision arising out of that hearing has not yet issued. He and counsel for the City intend to deal with next steps once that decision has been received, so his client's appeal in this proceeding remains pending for the time being.

[14] George Belza, the representative for the Edithvale Yonge Residents' Association, advised that his organization had participated in the mediation exercise relating to the Neighbourhoods policies and that they were content with the outcome and consequent modifications. As a result, they may or may not participate in the hearing but wished to be on record as to their position.

[15] Veronica Wynne, Vice President of Swansea Area Ratepayers Group, also advised that her group participated in the mediation exercise. Her group originally supported OPA 320 as adopted by City Council but she advised that they also support the modified form which is to be presented to the Tribunal at the hearing. She indicated that the modified version represents a balance of interests.

[16] Geoff Kettel, Co-Chair of Federation of North Toronto Residents' Associations, advised that his group participated in the mediation sessions which related to the Neighbourhoods policies and that they support the proposed modifications to those policies. He was clear that his organization did not participate in the mediation which related to the Apartment Neighbourhoods and Healthy Neighbourhoods policies and that they took no position on those policies for the purpose of this hearing.

[17] Eileen Denny, representative for Confederation of Resident and Ratepayer Associations in Toronto, was present and made various submissions. She confirmed her address for service as it appears on the list of Parties to the draft Procedural Order, and she acknowledged that the date for service of a list of witnesses was July 26, 2018, and has now passed.

[18] With that, the PHC session concluded.

[19] This Member is not seized of the hearing.

[20] The Procedural Order will issue by separate Order following its receipt and review by the Tribunal.

“Gerald S. Swinkin”

GERALD S SWINKIN
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

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Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

APPEAL	APPELLANT OR PARTY	COUNSEL OR AGENT
	City of Toronto	Kelly Matsumoto and Nathan Muscat
	Ministry of Municipal Affairs	
1	RioCan REIT/Holdings Inc./Management Inc. et al	
2	Toronto Industry Network	
3	Canadian Propane Association	
4	Babak Sarshar, 2462529 Ontario Inc.	Mary Flynn-Guglietti for Ira Kagan, sol. Kagan Shastri LLP, who also represents Parksett Developments
5	Fred Dominelli	
6	Trans County Development Corp, Conben Holdings Inc.	
7-P	Vince Staltari (Small Builders Group)	
9-P	Pino Scarfo, HGH Design Build (Smaller Builders Group),	Mary Flynn-Guglietti for amber stewart, sol. For Small Builders Association.
11-P	CAPREIT Limited Partnership	Raj Kehar, Woodbull LLP
12-P	Bernard Casser (Small Builders Group)	Mary Flynn-Guglietti for Amber Stewart, sol. For Small Builders Association.
13-P	Alfredo Cassiani, 2425456 Ontario Inc. (Small Builders Group)	
14	Leslie Mews Inc,	
15	Building Industry and Land Development Association	John Dawson, McCarthy Tetrault, Mary Flynn-Guglietti, sol. For BILD for Neighborhoods
16	Greater Toronto Apartments Association	
17	Dunpar Developments Holdings Inc.	Mary Flynn-Guglietti McMillan LLP
18-P	Daniel Fabrizi (Small Builders Group)	Mary Flynn-Guglietti for Amber Stewart, sol. For Small Builders Association.
20-P	Adriano Molinari (Small Builders Group)	Mary Flynn-Guglietti for Amber Stewart, sol. For Small Builders Association.
22-P	Pabs Limited Partnership	
23	Pabs Corporation and Roehampton Apartments Limited	
24	1330192 Ontario Inc.	
25	Bathurst and Glencairn Square Limited	
26	Nyx Capital Corp	
27	Yonge Lawrence Dev. LP	
28	Worsley Dream Roncesvalles Limited Partnership	
30	200 Keewatin Developments Ltd	
31-P	Heathwood Homes (Altamont) Limited	
32-P	Spadina Towers Inc.	
33	100 Broadway Developments Inc.	
34	117 Broadway Holdings Inc.	
35-P	Salford Investments Ltd.	
36	bcIMC Realty Corporation	

ATTACHMENT 1

38 + 39	Minto Communities Canada Inc/Properties Inc	John Dawson, McCarthy Tetrault
40	Toronto District School Board	John Dawson, McCarthy Tetrault
41	90 Eastdale Inc & 2 Secord Inc (Preston Group)	Mansa Keating, Davies Howe LLP
42	41 Chatsworth GP Inc.	Mansa Keating, Davies Howe LLP
43	25 St. Dennis Inc. (Preston Group)	Mansa Keating, Davies Howe LLP
44	H-M Apartment Moccasin Inc.	Mansa Keating, Davies Howe LLP
45	20 Stonehill Inc. (Preston Group)	Mansa Keating, Davies Howe LLP
46	Graywood Developments Ltd., 2419732 & 2418832 Ontario Inc.,	Gregory Smith Planner, Overland LLP for Christopher Tanzola
47	605 609 613 Lawrence Ave West Inc./607 611 Lawrence Ave West Inc.	
48	I2 Developments Inc.	Gregory Smith Planner, Overland LLP for Christopher Tanzola
49	2397623 Ontario Ltd. 2426684 Ontario Ltd.	Gregory Smith Planner, Overland LLP for Christopher Tanzola
56	Confederation of Resident & Ratepayer Associations in Toronto	Eileen Denny
57	Edithvale Yonge Residents' Association	George Belza
Added Party	Swansea Area Ratepayers' Group	Veronica Wynne
Added Party	Daniel Molinari (Small Builders Group)	Mary Flynn-Guglietti for Amber Stewart, sol. For Small Builders Association.
Added Party	Tony Calvano (Small Builders Group)	Mary Flynn-Guglietti for Amber Stewart, sol. For Small Builders Association.
Added Party	Starlight Group Property Holdings	Marisa Keating, Davies Howe LLP
Participant	David Matoc	
Participant	Erin Lusic	
Participant	Federation of North Toronto Residents' Associations	Geoff Kettel