

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** February 12, 2018

**CASE NO(S):** PL161031  
PL151191

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

Applicant and Appellant: Claireville Holdings Limited et al  
Subject: Application to amend Zoning By-law Nos. 438-86 and 569-2013 - Neglect of the City of Toronto to make a decision  
Existing Zoning: Reinvestment Area (Zoning By-law No. 438-86)  
Proposed Zoning: CRE(x74) (Zoning By-law No. 569-2013)  
*Site specific to permit the proposed development*  
Purpose: To permit the development of a 56 storey residential building consisting of 583 residential units and the incorporation of 6 existing townhouses within the project.  
Property Address/Description: 8-20 Widmer Street  
Municipality: City of Toronto  
Municipality File No.: 16 118450 STE 20 OZ  
OMB Case No.: PL161031  
OMB File No.: PL161031  
OMB Case Name: Claireville Holdings Limited 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: Widmer-Adelaide Corp. & Widmer Residences Corp.  
Subject: Application to amend Zoning By-law No. 438-86 - Neglect of the City of Toronto to make a decision  
Existing Zoning: Reinvestment Area (RA) - Zoning By-law No. 438-86  
Commercial Residential Employment (CRE) - Zoning By-law No. 569-2013  
Proposed Zoning: Site Specific to permit proposed use  
Purpose: To permit a 51-story mixed-use building  
Property Address/Description: 30 Widmer Street & 309-315 Adelaide Street

Municipality: West  
City of Toronto  
Municipality File No.: 14 235297 STE 20 OZ  
OMB Case No.: PL151191  
OMB File No.: PL151191  
OMB Case Name: Widmer-Adelaide Corp. v. Toronto (City)

**Heard:** January 10, 2018 in Toronto, Ontario

**APPEARANCES:**

**Parties**

Plazacorp Properties Limited,  
Widmer-Adelaide Corp. and Widmer  
Residences Corp.,  
Clairville Holdings Limited,  
10 Widmer Street Ltd.,  
12 Widmer Street Ltd.,  
14 Widmer Street Ltd.,  
16 Widmer Street Ltd.  
1579761 Ontario Inc.

City of Toronto

**Counsel**

Cynthia MacDougall

Ray Kallio

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON  
JANUARY 10, 2018**

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[1] This hearing event combined two cases, which followed from the fact that the sites under those cases are coming under common control. Case No. PL151191 concerns the lands municipally known as 30 Widmer Street and 309-315 Adelaide Street West (“30 Widmer”), in the City of Toronto (the “City”). The 30 Widmer case was initially advanced by Widmer-Adelaide Corp. and Widmer Residences Corp. As the Ontario Municipal Board (the “Board”) understands it, those lands have since been acquired by Plazacorp Properties Limited (“Plazacorp”).

[2] Case No. PL161031 concerns the lands municipally known as 8-20 Widmer Street (“20 Widmer”). These lands abut the 30 Widmer lands to the south. This case

originally came before the Board under the ownership of Clairville Holdings Ltd. *et al.* (“Clairville”). Cynthia MacDougall, counsel for Plazacorp and the former owners of the 30 Widmer lands, advised the Board that Plazacorp is the purchaser of 20 Widmer under an agreement of purchase and sale, which agreement, as of this hearing date, is not yet completed, and that Plazacorp is authorized to prosecute the 20 Widmer appeal before this Board. She further advises that she has been constituted as agent for Clairville for the purpose of this hearing.

[3] This panel is familiar with these two cases as this panel presided over the 20 Widmer Pre-hearing Conference and denied a motion brought on behalf of Clairville seeking a consolidation or hearing together of that case with Case No. PL151191. That motion was heard and disposed of on March 8, 2017, as more fully articulated in the Memorandum of Decision issued on March 17, 2017.

[4] The 30 Widmer appeal then proceeded on its own and was heard by the Board on March 28, 2017. The hearing proceeded as a settlement hearing between the 30 Widmer owners and the City. Clairville had party status in that proceeding and did not oppose the settlement.

[5] The background and planning rationale which underlay the appeal being allowed, in part, by the Board, is fully laid out in the Memorandum of Decision of Vice-Chair Susan de Avellar Schiller as issued on April 5, 2017. The approval resulting from that appeal authorizes development of the 30 Widmer lands for mixed use purposes in a 48 storey, 156 metre high, building. The proposal indicates a hotel use in the first 28 storeys and then residential dwelling units in the floors above. There is a ten-storey podium and the building has stepbacks at various points.

[6] The decision was conditioned on settlement of the form of the amending by-laws and settlement of a s. 37 Agreement.

[7] Since Plazacorp has acquired the 30 Widmer lands and is now poised to acquire the 20 Widmer lands, the 20 Widmer appeal now comes before the Board with an

opportunity to rationalize and undertake the development of the sites in an integrated fashion and achieve certain efficiencies and preferred functional and design outcomes. In its most basic form, this now presents the opportunity to do a single excavation and create a single underground garage structure for use by both projects.

[8] The 20 Widmer development proposal consists of a 49-storey tower, to a height of 157 metres (the same height as the 30 Widmer tower development proposal). The 20 Widmer tower is intended to be used for residential purposes, the approximate number of dwelling units being 435. The zoning by-laws will require that a minimum 40 percent (“%”) of the units be two-bedroom and a minimum 15% of the units be three-bedroom.

[9] After the negotiations with the City, the project density for 20 Widmer has been reduced from 19.12 times the area of the lot to approximately 15.3 times the lot area.

[10] The six row houses currently fronting Widmer Street, which are listed on the Heritage Register, will be retained and used for residential purposes. The Board was advised that a heritage assessment was undertaken for these dwellings and recommendations were made regarding the removal of various additions and alterations to the structures, these additions and alterations primarily located at the rear of the structures.

[11] There will be a 20-metre separation between the towers.

[12] On the original proposal, access to the underground garage for 30 Widmer would have been from Adelaide Street West. With the current integration and shared underground garage, vehicular access will now be from a public lane on the south lot line of the 20 Widmer property. This then avoids interrupting a well-used designated bike lane on Adelaide Street West and will result in a better street presentation of the north façade of the building.

[13] To explain the proposal at 20 Widmer, the adjustments to the 30 Widmer proposal as a result of the common ownership and to address the relevant planning policy, Wendy Nott, a senior qualified land use planning consultant, was called by Ms. MacDougall.

[14] The relevant Provincial and City planning policy for 20 Widmer is essentially the same as applied to 30 Widmer. This was fully canvassed in the Decision rendered by Vice-Chair Schiller as referenced above. Accordingly, as this panel heard concurring evidence from Ms. Nott, this panel adopts the analysis and conclusions as expressed by Vice-Chair Schiller and applies them to 20 Widmer.

[15] In addition to hearing from Ms. Nott, the Board also heard from Max Allen, the representative appearing on behalf of The Grange Community Association (the "Association"). Mr. Allen indicated that the Association was entirely in support of the modified proposal and was particularly pleased that five particular matters, which had been specifically expressed areas of concern for the Association, had been addressed to the satisfaction of the Association. This included retention of the row houses for residential use and the relocation of vehicular access from Adelaide Street West to the south lot line.

[16] Based upon the foregoing, the Board will allow the appeal under Case No. PL161031, in part, in keeping with the material filed as exhibits in the proceeding, and will allow modification of the zoning by-law amendments under Case No. PL151191 in keeping with the material filed as exhibits in this proceeding.

[17] The Board was advised by Ms. MacDougall that the consultants for the owners are working with City staff to finalize the details of the amending zoning by-laws in keeping with the revised proposals as reflected on the drawings prepared by Quadrangle Architects dated November 27, 2017. These were the drawings presented to City Council and endorsed by City Council for the settlement of these appeals. The Board will withhold its final Order until it has receipt of the finally settled forms of by-law amendment from the City Solicitor.

[18] As well, as was the case with respect to the approval of the development proposal at 30 Widmer and allowance of that appeal by Vice-Chair Schiller, the owner will be entering into a s. 37 Agreement with the City relating to 20 Widmer. Ms. MacDougall advised that the s. 37 Agreement relating to 30 Widmer has now been settled and that the s. 37 Agreement relating to 20 Widmer is in the process of being settled. The Board will withhold its final Order until it has received clearance from the City Solicitor that the two s. 37 Agreements have been settled and registered as necessary.

[19] In order to more specifically express the conditions to be met before issuance of the final Orders of the Board, and to adopt the consent language as settled between counsel, the conditions for issuance of the final Orders is as follows for the respective cases:

1. Case No. PL161031 – Regarding the Clairville appeals relating to 8-20 Widmer Street, allow the s. 34(11) appeal in part to provide for the development substantially in accordance with the recommendations in item No. CC35.7, Adopted by City of Toronto Council on December 5, 6, and 7, 2017 [Exhibit 4, Tab 24]. The Final Order is to be withheld until:
  - a. The final form of the draft zoning by-law amendments are acceptable to the City and Plazacorp Properties Limited and filed with the Board;
  - b. The required s. 37 Agreement and Heritage Easement Agreement are executed and registered;
  - c. The 10-20 Widmer Street heritage properties have been designated by by-law pursuant to s. 29 of the *Ontario Heritage Act*;
  - d. Council approval is obtained, in consultation with the Toronto Preservation Board, for the required alterations to the 10-20 Widmer Street heritage properties pursuant to Section 33 of the *Ontario Heritage Act*; and

- e. A Conservation Plan is prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in a Heritage Impact Statement for the 10-20 Widmer Street heritage properties and to the satisfaction of the Senior Manager, Heritage Preservation Services.
2. Case No. PL151191 – Regarding the s. 34(11) 30 Widmer Appeal heard in March 2017 (Decision Issued April 5, 2017) – For which the order has not issued – The decision is revised allowing the original appeal in part to provide for the development substantially in accordance with the recommendations in item No. CC35.7, Adopted by City of Toronto council on December 5, 6, and 7 [Exhibit 4, Tab 24]. The Final Order is to be withheld until:
    - a. The final form of the draft zoning by-law amendments are acceptable to the City and Plazacorp Properties Limited and filed with the Board; and
    - b. The required s. 37 Agreement is executed and registered.

[20] In the event that any issues arise in the satisfaction of these requirements or otherwise arising out of this disposition, the Board may be spoken to and the Case Coordinator at the Board should be contacted in that regard.

*“Gerald S. Swinkin”*

GERALD S. SWINKIN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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