

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



**ISSUE DATE:** June 01, 2017

**CASE NO(S):** PL161152

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

Applicant and Appellant:	Fortress Carlyle Peter Street Inc.
Subject:	Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	RA
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of a 46-storey mixed-use building consisting of 435 dwelling units
Property Address/Description:	122-128 Peter Street and 357 Richmond Street West
Municipality:	City of Toronto
Municipality File No.:	15-255425 STE 20 OZ
OMB Case No.:	PL161152
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OMB Case Name:	Fortress Carlyle Peter St Inc. v. Toronto (City)

**Heard:** May 23, 2017 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Fortress Carlyle Peter Street Inc.	D. Artenosi and K. Oksenberg
City of Toronto	J. Braun
401 Richmond Ltd.	N. J. Pepino and M. Barrett
Ricki's Construction and Painting Inc.	J. Alati and A. Margaritis

**MEMORANDUM OF ORAL DECISION DELIVERED BY H. JACKSON ON MAY 23, 2017 AND ORDER OF THE BOARD**

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[1] This was the first pre-hearing conference (the “PHC”) in the matter of an appeal to the Ontario Municipal Board (the “Board”) by Fortress Carlyle Peter Street Inc. (the “Applicant”), under s. 34(11) of the *Planning Act* of the failure of the City of Toronto (the “City”) to make a decision on an application for a zoning by-law amendment to permit the development of a 46 storey mixed use building with 435 dwelling units on the lands described above.

[2] The lands are currently occupied by one to three storey buildings containing commercial uses. At the time of the appeal, 122-124 Peter Street and 357 Richmond Street West were on the City’s Heritage Registry. Since that time the City has filed a Notice of Intention to Designate these properties. The Applicant has appealed this Notice to the Conservation Review Board under a separate process.

[3] A request for party status was made by 401 Richmond Ltd., who owns property directly to the west of the site. Ms. Pepino stated that her client is concerned about the proposed tower height and impacts to access, amongst other items. She indicated that her client would like a full block plan to be prepared for the area. Party status was also requested by Ricki’s Construction and Painting Inc., who own the north half of a semi-detached building at 120 Peter Street. Mr. Alati stated that his client’s property is the last remaining low rise building, and his client is concerned about the surrounding proposed buildings, amongst other items. There were no objections to granting party status these two entities. The Board was satisfied that both entities had valid concerns and party status was granted as requested.

[4] No requests were made for participant status.

[5] The Applicant indicated that since the appeal was filed they have had a number of discussions with the various stakeholders. The proposal is currently under review and revisions may be forthcoming. Mr. Arsenosi indicated that should there be

revisions, they would be provided to the City within the next month or so. Mr. Artenosi indicated that his client may request Board assisted mediation in the future.

[6] Mr. Artenosi requested that a second PHC be scheduled in the fall. Ms. Braun indicated that the PHC should be scheduled after the Council meeting in the first week of October so that she may have instructions from Council before the next PHC. Mr. Artenosi also requested a status update with the Board by telephone conference call (“TCC”) in the summer in order to provide the Board and all parties with an update on the matter.

### **ORDER**

[7] The Board orders a status update by TCC is scheduled for **Tuesday July 18, 2017 at 9 a.m.** The call-in numbers are local (416)-212-8012 and Toll Free 1-866-633-0848 and the TCC code is 4779874. A second PHC is scheduled for **Wednesday, November 1, 2017 at 10 a.m.** The PHC will be held at:

**Ontario Municipal Board  
655 Bay Street,  
16<sup>th</sup> Floor  
Toronto, ON**

[8] No further notice will be given.

[9] This Member is not seized.

*“H. Jackson”*

H. JACKSON  
MEMBER

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please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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