

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



ISSUE DATE: May 14, 2019

CASE NO(S): PL161152

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 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 and 569-2013 - 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 200Z
OMB Case No.:	PL161152
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OMB Case Name:	Fortress Carlyle Peter Street Inc. v. Toronto (City)

Heard: May 10, 2019 by telephone conference call

APPEARANCES:

Parties

Fortress Carlyle Peter Street Inc.

City of Toronto

Counsel

D. Artenosi and M. Cara

M. Longo

401 Richmond Ltd.

M. Barrett

Ricki's Construction and Painting Inc.

J. Alati and A. Margaritis

**MEMORANDUM OF ORAL DECISION DELIVERED BY HELEN JACKSON ON
MAY 10, 2019 AND ORDER OF THE TRIBUNAL**

[1] This was a Pre-hearing Conference ("PHC") held by telephone conference call ("TCC") in the matter of an appeal to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the "Tribunal") 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] By way of background, a settlement had been achieved in this matter following Tribunal-assisted mediation. The settlement included proposed development of the lands at 120 Peter Street, owned by Ricki's Construction and Painting Inc. ("Ricki's"). The Applicant and Ricki's had an agreement whereby the Applicant would purchase the lands at 120 Peter Street. The sale was to close on August 13, 2018. The sale did not close and the arising dispute went to the Superior Court. The judgement is now being appealed by Ricki's.

[3] A three day hearing in this matter was scheduled at the previous PHC in anticipation of a contested hearing in relation to the dispute regarding the sale of Ricki's lands. The hearing is scheduled to commence Wednesday, August 7, 2019 at 10 a.m. In preparation for the hearing, a Procedural Order was issued November 15, 2018 that included the issues of Ricki's and 401 Richmond Ltd. The Procedural Order required the parties' list of witnesses by May 9, 2019. The Tribunal was advised that Ricki's intends to call one witness in land use planning; 401 Richmond Ltd. intends to call a transportation witness; and, the Applicant will call five witnesses in support of the settlement reached with the City.

[4] Mr. Artenosi and Mr. Alati indicated that they are continuing to have discussions regarding their respective witnesses and issues, and contemplate that there may be some changes to the Issues List of Ricki's. In that regard, the parties requested a further TCC to seek direction, should it be necessary, and to provide the Tribunal with an update on the litigation, or any other matter that might arise.

[5] As requested, the Tribunal has scheduled a further TCC. It is scheduled for **Wednesday, June 19, 2019 at 9 a.m.** The call in numbers are as follows: **416-212-8012 or Toll Free 1-866-633-0848** at the correct time. **When prompted, enter the code 1006967#** to be connected to the call.

[6] No further notice will be given.

[7] This Member is seized of the next TCC but not of the hearing.

"Helen Jackson"

HELEN JACKSON
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.

Local Planning Appeal Tribunal

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