

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



**ISSUE DATE:** August 1, 2017

**CASE NO(S):** PL170076

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

Applicant and Appellant:  
Subject:

Wellington House Inc.  
Application to amend Zoning By-law No. 438-86 -  
Refusal or neglect of City of Toronto to make a  
decision

Existing Zoning:  
Proposed Zoning:  
Purpose:

RA  
Site Specific (To be determined)  
To permit the development of a 23-storey tower  
containing 1,428 square metres of office and retail  
uses and 129 dwellings units

Property Address/Description:  
Municipality:  
Municipality File No.:  
OMB Case No.:  
OMB File No.:  
OMB Case Name:

422-424 Wellington Street West  
City of Toronto  
16 213925 STE 20 OZ  
PL170076  
PL170076  
Wellington House Inc. v. Toronto (City)

Heard:

July 27, 2017 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Wellington House Inc.

K. Kovar\*  
A. Skinner\*

City of Toronto

A. Moscovich\*

Wellington Place Neighbourhood Association	A. Biggart*
432 Wellington Street West Holdings Inc.	M. Flowers* A. Margaritis*
Martyn Stollar	Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER ON JULY 27, 2017 AND ORDER OF THE BOARD**

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## **INTRODUCTION**

### **Background**

[1] Wellington House Inc. (“Wellington”) wishes to develop a 23-storey mixed use building at 422-424 Wellington Street West (“Subject Site”) containing commercial and residential uses. In support of this intention, Wellington filed an application for a zoning by-law amendment to permit the development.

[2] The Subject Site is on the north side of Wellington Street West, west of Spadina Avenue. It is in the West Precinct of the King-Spadina Secondary Plan area. A semi-detached house form building on the Subject Site is listed in the City of Toronto (“City”) Heritage Register.

[3] The City has failed to make a decision on the proposal and Wellington has appealed its proposed zoning by-law amendment to this Board.

[4] This is the first prehearing in this matter.

### **Addition of Parties and Participant**

[5] The Board added the following interests as parties to these proceedings:

1. Wellington Place Neighbourhood Association (“WPNA”)

2. 432 Wellington Street West Holdings Inc. (“432”)

3. Martyn Stollar

[6] The Board received one request for participant status and added Gregory Rogers as a participant in these proceedings.

### **Amended Application**

[7] The Board was advised that Wellington filed an amended application on July 4, 2017. Counsel for Wellington advised the Board that the proposed 23 storeys have now been reduced to a proposed 19 storeys. The number of residential units has been reduced from 129 to 115 and there has been a reduction in the amount of commercial space being proposed. A level of the garage has been deleted and the number of parking spaces has been reduced from 72 to 35.

[8] While some of the matters in dispute between the parties are known generally, there has been no little opportunity to review the revised proposal and distil of the matters that are generally in dispute into a concise issue list for the hearing.

[9] Mr. Stollar advised the Board that he was in the process of retaining counsel and expected to call an expert planning witness.

[10] Counsel for 432 indicated that he required further time to discuss the revised proposal with his client and was unable at this appearance to provide any advice to the Board regarding the possible number and area of expertise of witnesses he might call.

[11] The City and WPNA also agreed that it would be appropriate to provide some additional time to consider the revised proposal and refine an Issue List.

[12] Wellington asked the Board to set a hearing date in July 2018, for a hearing with an estimated length of three weeks. With no final Issue List and no final count of the

number of expert witnesses to be called, the Board declined to schedule any hearing date at this time.

[13] Wellington agreed to draft a procedural order reflecting today's discussion and circulate it to all parties. The parties have agreed to send their comments on the draft Procedural Order to Wellington by September 14, 2017.

[14] Wellington is to submit to the Board by September 21, 2017, the draft Procedural Order, with a consolidated Issue List, that the parties have agreed upon. The Board will review this submission and, if satisfied, will set an appropriate hearing date and issue a Procedural Order.

[15] I am seized for case management purposes but not necessarily for the hearing of the merits.

## **ORDER**

[16] The Board orders that:

1. Wellington Place Neighbourhood Association is added as a Party to these proceedings
2. 432 Wellington Street West Holdings Inc. is added as a Party to these proceedings
3. Martyn Stollar is added as a Party to these proceedings
4. Gregory Rogers is added as a Participant to these proceedings
5. The parties will file with the Board a draft Procedural Order, with

consolidated Issue List, on or before Thursday, September 21, 2017

*“Susan de Avellar Schiller”*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

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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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