

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



ISSUE DATE: June 05, 2019

CASE NO(S): PL170622

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: 28 River Street Holdings Limited
Subject: Application to amend Zoning By-law No. 438-86 – Refusal of Application by the City of Toronto

Existing Zoning: Industrial (IC D3 N2)
Proposed Zoning: Site Specific
Purpose: To permit a 15-storey mixed-use building with 162 dwelling units and ground floor retail space

Property Address/Description: 28 River St
Municipality: City of Toronto
Municipality File No.: 16 268409STE 28 OZ
OMB Case No.: PL170622
OMB File No.: PL170622
OMB Case Name: 28 River Street Holdings Limited v. Toronto (City)

Heard: May 24 and May 31, 2019 by telephone conference calls

APPEARANCES:

Parties

1979351 Ontario Inc.

City of Toronto

Counsel*/Representative

C. Lantz* and J. Cheng*

R. Kallio* and M. Mahoney*

Toronto Standard Condominium
Corporation No. 1990

R. Palmer

Toronto Standard Condominium
Corporation No. 1778

C. Biggin

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON MAY
24, 2019 AND MAY 31, 2019**

INTRODUCTION

[1] These were the fourth and fifth Pre-hearing Conferences (“PHCs”) for an appeal brought by 28 River Street Holdings Limited regarding the City of Toronto’s refusal of its application for zoning by-law amendments for a proposed development at 28 River Street (“subject property”). The PHCs were held on May 24 and 31, 2019 by telephone conference calls.

[2] At the PHC on May 24, 2019, the Parties informed the Tribunal that they had engaged in mediation and were continuing to make progress through settlement discussions. 1979351 Ontario Inc. (“Appellant”) stated that the Parties should know shortly whether the hearing scheduled for July 2019 will need to proceed or whether it could be converted into a settlement hearing. The Tribunal directed that the Parties re-convene for a further PHC to be held by TCC on May 31, 2019 to provide a further update to the Tribunal at that time.

[3] At the PHC on May 31, 2019, the Parties stated that settlement discussions were continuing and requested on consent that the first five days of the hearing scheduled to commence on July 23, 2019 be released. They requested that the remaining two scheduled hearing dates on July 30 and July 31, 2019 be retained for an in-person settlement hearing or, if a settlement is not reached, for a further PHC at which next procedural steps will be determined.

[4] Toronto Standard Condominium Corporation No. 1990 and Toronto Standard

Condominium Corporation No. 1778 expressed concerns that they had not been fully included in settlement discussions to date. Both the City and the Appellant assured the Tribunal that if a settlement between the City and Appellant is reached, discussions with the Added Parties, Participants and the community will be held. The Appellant stated that it will provide an update to the Added Parties on the status of settlement discussions no later than Tuesday, July 23, 2019.

ORDER

[5] The Tribunal ordered that the hearing dates of **July 23 to July 26, 2019** and **July 29, 2019** are released and that the remaining two hearing dates scheduled for **July 30 and 31, 2019** are converted into a settlement hearing or, if no settlement has been reached by that time, into a continued PHC for the purpose of providing further procedural directions, including the setting of new hearing or settlement hearing dates.

[6] This Member of the Tribunal is not seized.

“Hugh S. Wilkins”

HUGH S. WILKINS
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

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248